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General Assembly

FORTY-SEVENTH SESSION

Official Records

SIXTH COMMITTEE
13th meeting
held on
Tuesday, 13 October 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 13th MEETING

Chairman: Mr. TOMKA (Czechoslovakia)
(Vice-Chairman)

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A/C.6/47/SR.13
16 October 1992

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In the absence of Mr. Afonso (Mozambique), Mr. Tomka (Czechoslovakia) took the Chair.

The meeting was called to order at 10.10 a.m.

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKE IN EGYPT

1. The CHAIRMAN, on behalf of all the members of the Committee, expressed sympathy to the Government of Egypt in connection with the recent earthquake in that country.

2. Mr. ABOULMAGD (Egypt) thanked the Chairman for the expression of sympathy.

AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/47/33, A/47/60-S/23329, A/47/67 and A/47/516)

3. The CHAIRMAN drew attention to document A/47/516 which had been added to the list of documents relating to the agenda item.

4. Mr. GONDRA (Argentina) said that the Charter of the United Nations was approaching its fiftieth anniversary. The past half century had shown that, despite its imperfections, the collective security system established under the Charter was functioning. While the General Assembly, the Security Council and the Secretary-General had different roles assigned to them, by the Charter, they had common objectives, namely, the maintenance of international peace and security and the promotion of the peaceful settlement of disputes. One of the principles on which the Charter was based was that of legal equality among States. The Charter was the Constitution of the international community; accordingly, any proposal to amend its provisions must take political realities into account.

5. Turning to the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (A/47/33) and to the working paper entitled "Draft declaration on the improvement of cooperation between the United Nations and regional organizations" (A/AC.182/L.72) in paragraph 39, he said that it would be premature to deal, at the current stage, with the question of the final form that the document would take. Furthermore, the title did not define the scope of the cooperation between the United Nations and regional organizations. In general, however, the working paper constituted a useful basis for discussion; paragraph 3, which reminded States that the peaceful settlement of disputes should be based on free choice of specific means, and paragraph 20, which referred to the taking of coordinated steps to strengthen guarantees of human rights were of particular importance. Paragraph 10, however, which referred to the non-proliferation of nuclear weapons, appeared to be inappropriate in the context of the working paper.

(Mr. Gondra, Argentina)

6. With regard to the working paper entitled "New issues for consideration in the Special Committee" (A/AC.182/L.65 and Corr.1), which was summarized in paragraphs 96 to 99 of the report, his delegation noted that some of the proposals which it contained had been condensed and included in a report of the Secretary-General (S/24025), while others had been dealt with in other sections of the Special Committee's report; accordingly, further consideration of the working paper was unnecessary for the time being.

7. Lastly, the working paper on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter (A/AC.182/L.73) (A/47/33, para. 109) dealt with substantive issues to which the Special Committee should devote further attention.

8. Mr. MIKULKA (Czechoslovakia) said that adapting the United Nations to new political, economic and social realities should be an evolutionary process which, however it was carried out, must not endanger the collective security system at a time when it was beginning to function properly. Any approach which threatened to undermine the Organization's basic structures must be scrupulously avoided. The Special Committee should be a forum for the free exchange of views and the search for areas of agreement, without which no change would be possible.

9. The statement by the Legal Counsel concerning the proposal that the Secretary-General should be authorized to request advisory opinions from the International Court of Justice (A/47/33, para. 31) was extremely helpful. The Legal Counsel had clarified both the reasons behind the proposal and the problems which could arise from its implementation, and the ensuing discussion in the Special Committee had shown that further consideration was needed before a recommendation could be submitted to the General Assembly.

10. The question of cooperation between the United Nations and regional organizations (A/AC.182/L.72) (A/47/33, para. 39) was part of the broader issue of the maintenance of international peace and security. The recent revitalization of the collective security system, and the difficulties which had emerged in that context, showed that the question of cooperation for the maintenance of international security had acquired renewed urgency.

11. During the discussion in the Special Committee, the question had been raised as to whether the term "regional organizations", as used in the working paper, was synonymous with "regional arrangements or agencies", as referred to in Chapter VIII of the Charter. The working paper appeared to refer to organizations which had as their objective the development of various forms of regional cooperation, but which did not fall strictly under Chapter VIII of the Charter; his delegation preferred a more restrictive approach. Furthermore, the concept of regional organizations should not exclude arrangements such as the Conference on Security and Cooperation in Europe which were not, strictly speaking, organizations, but which did fall under

(Mr. Mikulka, Czechoslovakia)

Chapter VIII of the Charter. His delegation had reservations with regard to paragraph 15 of the working paper, in which two distinct concepts appeared to be mingled, namely, regional arrangements or agencies, on the one hand, and organizations for the maintenance of collective security, on the other hand.

12. Future work on the document should be oriented towards the development of practical recommendations concerning the functional element of relations between the United Nations and regional organizations; it would be futile to transcribe formulas from various instruments adopted previously, while neglecting an opportunity to encourage such cooperation.

13. With regard to paragraphs 1 and 5 of the working paper, his delegation believed that it was inappropriate to impose on States an obligation to establish regional organizations, or even to encourage them to do so. The document should simply indicate the methods by which interaction between such organizations and the United Nations could be developed in the interest of international peace and security.

14. Although the working paper had been submitted as a draft declaration, his delegation believed that the Special Committee should consider other possible forms, such as a set of model rules which could serve as a basis for the elaboration of cooperation agreements between regional organizations and the United Nations, or a draft model agreement.

15. As to the proposal to invite regional organizations to participate as observers in the Special Committee (A/47/33, para. 91), his delegation did not see the need for such an invitation at the current stage and believed that other means, such as a questionnaire, could be used in order to draw up a list of practical issues for consideration by the Special Committee.

16. His delegation doubted whether it was necessary for the Special Committee to have a long-term programme of work, as suggested in working paper A/AC.182/L.65 and Corr.1 (A/47/33, para. 97). One of the Special Committee's functions was to consider timely issues referred to it by the General Assembly. The best solution would be to prepare a list of back-up issues from which the Special Committee could choose when it had completed work on the items already on its agenda.

17. His delegation welcomed the submission of document A/AC.182/L.73 (A/47/33, para. 109). A solution to the question of assistance to third States economically affected by sanctions imposed by the Security Council would help to ensure the proper application of Articles 49 and 50 of the Charter, which in turn would enhance the implementation of Chapter VII of the Charter. It would be desirable for the Special Committee to have available the analytical information on the existing experience and practice of the United Nations in that area with regard to the Security Council Committees established pursuant to resolutions 661 (1990), 724 (1991) and 748 (1992).

(Mr. Mikulka, Czechoslovakia)

18. The working paper entitled "Strengthening of the role of the United Nations in the maintenance of international peace and security" (A/AC.182/1992/CRP.2) (A/47/33, para. 123) raised sensitive issues and proposed solutions which would not strengthen, but rather would seriously undermine the role of the United Nations in the maintenance of international peace and security. His delegation agreed that the working paper, in its current form, could not be a basis for a meaningful discussion.

19. The draft entitled "United Nations rules for the conciliation of disputes between States" (A/45/742) (A/47/33, para. 132) would, despite the care with which it had been prepared, raise certain obstacles if adopted. He wondered whether the aim should be to produce rigid and detailed rules applicable to any conciliation. It was also unclear how the proposed rules would be linked to the existing mechanisms for the settlement of disputes such as the option of resorting to a commission of good offices, mediation or conciliation within the United Nations (General Assembly decision 44/415, annex). It was to be hoped that a revised draft would be submitted at the next session of the Special Committee which would focus on the establishment of a set of flexible model rules which States might adapt as appropriate.

The meeting rose at 10.50 p.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

SIXTH COMMITTEE
14th meeting
held on
Thursday, 15 October 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 14th MEETING

Chairman: Mr. TOMKA (Czechoslovakia)
(Vice-Chairman)

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AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)

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22 October 1992

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In the absence of Mr. Zarif (Islamic Republic of Iran), Mr. Tomka (Czechoslovakia), Vice-Chairman, took the Chair.

The meeting was called to order at 10.10 a.m.

AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/47/33, A/47/67, A/47/60-S/23329, A/47/516)

1. Mr. KRIKORIAN (Armenia) said his delegation believed that the United Nations was only beginning to work in the manner originally envisioned; that renewed experiment should be given a chance to show results before the Charter was fundamentally changed. Furthermore, when the Charter was amended, a comprehensive list of amendments should be presented and voted upon all at once. Armenia had always had profound respect and hope for the United Nations, which was perhaps all the deeper because for many years it had not been a member. It supported the United Nations as the hub of an ever-improving international order which promoted peace and prosperity. The United Nations had efficiently addressed many problems. Its record during the cold war, however, had shown that if a major Power so wished it was relatively easy for the Organization to be placed in gridlock, a situation which could have terrible consequences: decisions were not made; peace and prosperity were ignored, innocent people caught up in armed conflicts suffered immeasurably, and public confidence in a sound international order disappeared. The United Nations could not afford a return to those days. Fortunately there was currently a growing acceptance of cooperation as opposed to confrontation.

2. Armenia believed that the increase in the number of Member States, in and of itself, had strengthened the United Nations. By extension, it favoured improvements geared towards further democratization, greater transparency in the Security Council, increased communication and cooperation among countries, and enabling the Organization to deal more directly with the myriad challenges it faced. Public confidence in the United Nations must be maintained and enhanced; to that end, clear standards must be consistently applied from one situation to the next, and Charter revisions must be treated with the utmost care.

3. Armenia agreed that the stature and use of the International Court of Justice should be enhanced; that too would strengthen the United Nations by building public confidence in the peaceful and equitable settlement of disputes.

4. Like many public institutions, the United Nations had been the object of eloquent praise and scorn. As lawyers and as representatives of countries acting with goodwill towards one another, members of the Committee should be able to address the issues before them in cooperation and with the shared goal of strengthening the United Nations.

5. Mr. BELLOUKI (Morocco) said that ideological antagonisms had largely disappeared from the international scene, and within the United Nations the stereotyped divisions of the past were fading away. The Summit Meeting of the Security Council in January 1992 had marked a turning-point in the life of the United Nations and demonstrated the determination of the international community to reinvigorate its role. The Agenda for Peace (A/47/277) and the report of the Secretary-General on the work of the Organization (A/47/1) reflected that commitment of the United Nations to the service of peace in the world. The concepts of preventive diplomacy, peacemaking, peace-keeping and peace-building remained the key elements of the United Nations.

6. The Agenda for Peace made it clear that the maintenance of international peace and security was the responsibility not only of the Security Council, but also of the General Assembly and the Secretary-General. It was therefore necessary to strengthen the organs of the United Nations, improve their operation and review their mechanisms with a view to increasing their efficiency and credibility and adapting them to the new realities. The revitalization of the United Nations must be accompanied by a redefinition of its activities and a new approach to world problems. Strengthening the role of the United Nations also meant recognizing its capacity to formulate appropriate solutions to the problems of underdevelopment, which remained a very serious threat to peace and security in the world. Member States must therefore help build the world partnership for development that the Secretary-General had advocated.

7. The Special Committee on the Charter of the United Nations and on the strengthening of the role of the Organization had an important role to play in adapting the Charter to the contemporary world; it must respect the balance of United Nations organs and ensure that the Charter was not covertly modified through improper unilateral interpretations.

8. Working paper A/AC.182/L.72 on the improvement of cooperation between the United Nations and regional organizations (A/47/33, para. 39) provided a good basis for future work. His delegation hoped that regional organizations which cooperated with the United Nations under Chapter VIII of the Charter would be able to take just and effective measures aimed at the prevention and settlement of conflicts and would be provided with the necessary resources for that purpose, particularly since that cooperation was potentially so wide-ranging. It also supported the idea of freedom of choice when having recourse to regional organizations.

9. Working paper A/AC.182/L.73 on assistance to third States affected by sanctions (A/47/33, para. 109) should deal with the question in a general manner, without reference to specific cases, which could, if necessary, be mentioned in a preamble. His delegation supported the approach of Chapter VII, particularly articles 49 and 50, and welcomed the recommendation made by the Secretary-General in the Agenda for Peace (A/47/277, para. 41) that as a matter of equity the Security Council should devise a set of measures involving the financial institutions and other elements of the United Nations system to insulate States from difficulties they might suffer as a result of the application of sanctions.

(Mr. Bellouki, Morocco)

10. The draft United Nations rules for the conciliation of disputes between States (A/47/33, para. 132) should be flexible and applicable to all types of disputes; some of the provisions were too detailed or too categorical. In particular, conciliators needed to be given greater autonomy in decision-making.

11. The Special Committee's role in implementing the programme of the United Nations Decade of International Law should be strengthened, and its composition should be reviewed so as to strengthen its effectiveness and ensure that it was in no way a closed club.

12. Mr. KHARRAZI (Islamic Republic of Iran) said that concurrent, rapid and fundamental changes in international relations entailed both new opportunities and new challenges for the international community as a whole. In the emerging plural and cooperative atmosphere, that community was aspiring to a new era of inter-State relations based on the principles incorporated in the Charter of the United Nations; at the same time, new regional conflicts and fresh hazards were seriously threatening international peace and security. The measures taken by the United Nations in recent years to maintain international peace and security were encouraging, and there was a renewed hope that the Organization would be able to function effectively, as envisaged by its founders.

13. The report of the Special Committee (A/47/33) indicated that while some members believed that the Charter was still relevant and applicable to the new international circumstances, others felt that in the light of dramatic changes in international relations, revision of the Charter had become inevitable. His delegation believed that the purposes and principles of the Charter remained valid and that, in the new international atmosphere, the United Nations could discharge its responsibilities in a satisfactory manner, on three conditions. First, equal opportunity should be given to all Members of the United Nations to participate fully in its activities; power politics, and confrontation or domination of major Powers over the United Nations, must be avoided. Democratization and transparency, as major characteristics of the emerging international system, should prevail in all United Nations bodies, as noted by the Secretary-General in his Agenda for Peace.

14. Second, all issues of an international nature should be addressed by the United Nations, and it should render equal treatment to all cases of threats to international peace and security and avoid political expediency and selectivity. Double standards should be avoided and earlier negligence should be rectified. The time was propitious for the United Nations to address the North-South agenda; if that issue was not considered conscientiously, international peace and security would be threatened.

15. Third, a new balance needed to be achieved among the principal organs of the United Nations. The General Assembly was entitled to consider all problems of common concern to the international community, and must not be

(Mr. Kharrazi, Islamic Republic of Iran)

sidelined in cases of threats to international security. The Security Council, in discharging its functions in respect of the maintenance of international peace and security, must observe the provisions of the Charter as well as international law. In accordance with the Charter, the Security Council was accountable before the international community, represented in the General Assembly. It should be noted that failure to revitalize the United Nations in consonance with the changes in the world would strengthen revisionist tendencies.

16. With regard to working paper A/AC.182/L.72 on cooperation between the United Nations and regional organizations (A/47/33, para. 39) he noted that regional organizations constituted an integral part of the collective security system embodied in the Charter; Chapter VIII established very clearly the relationship between the United Nations and regional organizations, and the future instrument should therefore focus on the practical aspects of cooperation between them. To that end, experts from regional organizations should be invited to the Special Committee to explain their experiences with respect to settlement of disputes, as well as their views on potential cooperation between their organizations and the United Nations. Since regional organizations were not equally developed in all parts of the world, the future document needed to encourage cooperation at the regional level and should be flexible enough to cover a wide range of possible cooperation between the United Nations and regional organizations.

17. Although working paper A/AC.182/L.73 on assistance to third States affected by sanctions (A/47/33, para. 109) was of a general nature and did not provide any specific proposals, it did reflect the importance and urgency of the question to developing countries. His delegation urged the Special Committee to prepare guidelines concerning the implementation of Articles 49 and 50 of the Charter, taking into account the experiences of the Security Council Committee established pursuant to resolution 661 (1990) concerning the situation between Iraq and Kuwait, as well as the effects of previous embargoes imposed by the United Nations.

18. On the question of authorizing the Secretary-General to request advisory opinions from the International Court of Justice (A/47/33, paras. 31-32) his delegation was not convinced that such authorization to individuals was permissible under the Charter. Its understanding of Article 96, paragraph 2, together with Article 7 of the Charter, and of Article 65, paragraph 1, of the Statute of the International Court of Justice, was that such authorization could only be granted to the deliberative bodies of the United Nations. The practice of the General Assembly in granting authorization to United Nations bodies, as well as specialized agencies, affirmed that point.

19. His delegation urged the Special Committee to consider and finalize the draft United Nations rules for the conciliation of disputes between States (A/47/33, para. 132) as another step towards strengthening the principle of peaceful settlement of disputes between States.

20. Mr. NEUHAUS (Australia) said that Australia, as a founding Member of the United Nations, had contributed to the original drafting of the Charter, which provided the basis for the United Nations to carry out its mandate to promote international peace and security. However, Member States retained the responsibility to ensure that the Organization was effective and must strive to develop, within the framework of the Charter, the capacity of the United Nations for preventive diplomacy, peacemaking and peace-keeping. The possibilities which could be explored in that regard had been highlighted by the Secretary-General in his Agenda for Peace.

21. With regard to working paper A/AC.182/L.72 on cooperation between the United Nations and regional organizations (A/47/33, para. 39), which provided a useful basis for the Special Committee's work, his delegation agreed that regional organizations had an important role to play in the area of preventive diplomacy; they could help to create conditions which minimized insecurity and threats to peace, and enabled specific high-risk situations to be addressed before they reached the point of requiring peace-keeping or, worse still, coercive peace enforcement responses. The Special Committee should give particular consideration to the most appropriate division of labour between the United Nations and regional organizations in undertaking peacemaking and peace-keeping efforts, and to the possibility of developing guidelines which would help avoid duplication of effort and enable regional organizations to consider how they might adapt, if necessary, to such a role. His delegation believed that there was a role for regional organizations in addressing both military and non-military threats to international peace and security; one particular non-military threat was that posed by the failure of Governments to observe the fundamental standards of human rights as set out in the Universal Declaration of Human Rights and in the International Covenants.

22. His Government had long advocated an increased acceptance of the compulsory jurisdiction of the International Court of Justice under Article 36, paragraph 2, of its Statute and endorsed the Secretary-General's recommendation to that effect in the Agenda for Peace. Australia was also open to the proposal that the Secretary-General should be authorized under Article 96, paragraph 2 of the Charter to seek advisory opinions from the International Court of Justice. It commended the Special Committee's useful work on the draft United Nations rules for the conciliation of disputes between States.

23. As to its future work, the Special Committee should consider some aspects of the Secretary-General's Agenda for Peace recommendations, for example his proposals on the role of regional organizations and of the International Court of Justice.

24. Mr. PATRONAS (Greece) said that since the maintenance of international peace and security was by far the most important issue dealt with in the Charter, every effort to enhance the Organization's role in that respect was to be encouraged. In that connection, he welcomed the Secretary-General's report entitled "An Agenda for Peace" (A/47/277), which contained highly interesting proposals which should be considered with the closest attention.

(Mr. Patronas, Greece)

25. Working paper A/AC.182/L.72 on the improvement of cooperation between the United Nations and regional organizations (A/47/33, para. 39) represented a timely initiative whose underlying ideas were acceptable and would provide a useful basis for discussion. However, as indicated in the Special Committee's report (A/47/33, para. 46), further background information concerning the relationship between the United Nations and regional organizations would assist the Special Committee in its consideration of the working paper.

26. Working paper A/AC.182/L.73 on assistance to third States affected by sanctions (A/47/33, para. 109) also provided useful material for reflection, although the issues it raised must be treated with caution, and in the light of the relevant provisions of the Charter.

27. The current world situation favoured a decisive approach to the question of strengthening the collective security system envisaged in Chapter VII of the Charter. In that connection, his delegation wished to reiterate the proposal it had made at previous sessions of the Sixth Committee and the Special Committee, namely that the question of collective security should be examined as a global concept, as the only one of the three fundamental principles on which the United Nations system was based that had not been studied in detail. The other two had been examined and embodied in two relevant Declarations - the Manila Declaration on the Peaceful Settlement of International Disputes, and the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations. A further declaration should now be contemplated which would affirm the principles governing collective security and the guidelines concerning the relevant rights and obligations of Member States and the responsibilities of United Nations organs. Such a declaration could constitute an important contribution by the Special Committee to the Decade for International Law.

28. Attention should also be focused on the extremely serious problem of deliberate disregard for, and systematic violation of, United Nations decisions concerning international peace and security. It was deplorable and inadmissible that such decisions were not respected, as in the case of those relating to the Republic of Cyprus.

29. In connection with the peaceful settlement of disputes between States, his delegation welcomed the draft rules on conciliation submitted by Guatemala (A/47/33, para. 132). In considering those rules the Special Committee should take into account related developments in other bodies, and in particular within the framework of the Conference on Security and Cooperation in Europe, where encouraging results had already been obtained with regard to the establishment of a compulsory conciliation mechanism. With regard to the specific proposals submitted by Guatemala, his delegation considered firstly, that in article 1 the rules should apply to all types of disputes. Secondly, in article 18, the principles of international law should be included among

(Mr. Patronas, Greece)

the principles which would serve as guidelines for the conciliation commission, and thirdly, his delegation agreed with the views of the Legal Counsel regarding article 2, paragraphs 2 and 4.

30. Mr. D'ALMEIDA (Togo) said that the question of strengthening the role of the United Nations had assumed particular prominence with the end of the cold war. However, although the polarized situation that had characterized international relations had disappeared, regional conflicts were gaining momentum in many parts of the world. In order to resolve such conflicts, close cooperation should be established between the United Nations and regional organizations in order to ensure that initiatives at regional level provided a coherent and effective backup for action by the United Nations, and vice versa.

31. In that context, working paper A/AC.182/L.72 submitted by the Russian Federation (A/47/33, para. 39) made a number of useful suggestions which would merit more detailed study, and in particular the suggestion in paragraph 7 that States should consider the possibility of strengthening the preventive functions of regional organizations.

32. In that connection, his delegation also welcomed the Secretary-General's comments on preventive diplomacy and peacemaking contained in document A/47/277. It found particularly interesting the Secretary-General's proposal for the participation of the General Assembly in efforts aimed at mediation, negotiation or arbitration. Although the Organization had achieved greater success in the field of peace and security, a regional approach had in some cases made a salutory contribution to preventing disputes between Sates.

33. In connection with the rationalization of the Organization's existing procedures, his delegation agreed with many others that developments in the international community made necessary certain adjustments in the principal organs of the Organization, and particularly in the Security Council, in order to ensure greater participation by the various regions of the world in the decision-making process. The provisions of the Charter must not be applied selectively; moreover, the United Nations must demonstrate credibility and impartiality in all domains. The strengthening of the Organization's role must proceed rapidly if it was to take into account the new configuration of the international community and the world-wide aspiration to democracy.

34. His delegation took a favourable view of the Secretary-General's suggestion that he should be authorized to seek advisory opinions from the International Court of Justice, since that would enable him to perform his functions more effectively while enhancing the Court's contribution to the strengthening and development of international law. The new atmosphere in international relations would also encourage States to accept the compulsory jurisdiction of the Court. With the same objective of promoting respect for the principles of the Charter and international law in view, his delegation welcomed the appearance of the Handbook on the Peaceful Settlement of Disputes between States.

35. Mr. PETROV (Bulgaria) noted that the majority of the issues dealt with in the Secretary-General's report entitled "An Agenda for Peace" (A/47/277) fell directly within the competence of the Special Committee. In the context of the global changes to which the Secretary-General had drawn attention, it was appropriate that many delegations during the general debate at the most recent session of the Special Committee should have made far-reaching proposals in an attempt to identify the most appropriate means for strengthening the Organization. However, his delegation found it disturbing that some of those proposals envisaged a revision of the Charter of the United Nations in order to change the existing balance of competence between the two principal organs of the Organization, namely the General Assembly and the Security Council. Such an approach was especially harmful at a time when the Security Council had begun to discharge its functions effectively under the Charter. His delegation took the view that the provisions of the Charter were sufficiently flexible, and that it should be applied and interpreted as a constitutional document.

36. His delegation welcomed the proposal that the General Assembly should authorize the Secretary-General to request advisory opinions from the International Court of Justice. His delegation reiterated its full support for that proposal, which would considerably increase the efficiency of the Secretary-General's efforts in the peaceful settlement of disputes.

37. The draft declaration submitted in working paper A/AC.182/L.73 (A/47/33, para. 39) was also timely, since the interaction between the United Nations and regional arrangements and agencies in the maintenance of international peace and security was crucial for the effective functioning of the United Nations system of collective security. Effective action in settling disputes and conflicts was to be expected from States in the same region and from the regional arrangements or agencies concerned; if the relationship between regional arrangements or agencies and the United Nations, and the Security Council in particular, was efficient, those agencies could become an important source of information and expertise.

38. His delegation shared the view that the language of the draft should be brought into line with that of Chapter VIII of the Charter. The basis for the interaction between the United Nations and regional organizations was to be found in Article 52, whose underlying concept was that regional organizations and agencies should function within the framework of the global Organization responsible for peace and security and should be subject to the same overriding purposes and principles. It was therefore clear that the scope of the draft declaration should be confined to regional arrangements or agencies dealing with the maintenance of regional peace and security.

39. Noting that neither the General Assembly nor the Security Council had found it necessary or desirable to attempt to define what constituted regional arrangements or agencies, his delegation believed that the draft declaration should focus on achieving viable cooperation between the United Nations itself and regional agencies: it should not attempt to create obligations for

(Mr. Petrov, Bulgaria)

regional agencies, as it appeared to be doing in paragraphs 5 to 7. While restating several general principles contained in Chapter VIII of the Charter the draft declaration contributed sevral useful and pertinent ideas, particularly in paragraphs 8, 10, 17, 19 and 20, and could provide a basis for revitalizing the provisions of Article 54 of the Charter. The purpose of that Article had not in practice been fully achieved, in that information supplied to the Security Council had been largely limited to the texts of resolutions and other documentary materials, whereas the language of Article 54 suggested that much more detailed reporting was envisaged.

40. The time had come to conclude cooperation agreements between the United Nations and regional arrangements or agencies dealing with matters relating to the maintenance of international peace and security. Such agreements might be concluded by the Security Council, and in that context recourse might be had to the experience of the Economic and Social Council under Article 63 of the Charter. In particular, an agreement between the United Nations and the Conference on Security and Cooperation in Europe would be welcome.

41. As one of the countries submitting working paper A/AC.182/L.73 on assistance to third States affected by the application of sanctions (A/47/33, para. 109), Bulgaria wished to state that it was not the intention of the submitting delegations to use Article 50 as a precondition for discharging their obligations under the respective Security Council resolutions in compliance with Article 25 of the Charter. Their belief was that the only purpose of enforcement of sanctions under Article 41 should be to punish the guilty, and not innocent third parties. Assistance to those parties when confronted with special economic problems should be regarded as a means for strengthening cooperation in the application of measures against an offender State.

42. Several points were essential for future consideration of the working paper. Firstly, assistance should only be sought in order to remedy the secondary effects of sanctions on third States. Secondly, Article 50 referred to "special economic problems", and it was obvious that the special character of those problems must be established, a task which might be carried out by such bodies as the International Monetary Fund or the World Bank. The costs of such assistance, in his delegation's view, should be borne by the offender State, and an important precedent in support of that approach had been set by Security Council resolution 778 (1992). Different means might be used to provide the necessary funds, for example by the setting up of a compensation fund or by freezing the assets of the offender State.

43. Turning in conclusion to working paper A/AC.182/L.65 and Corr.1, entitled "New issues for consideration in the Special Committee", he said that his delegation favoured the drawing up of an agenda for the future work of the Committee. In that connection, the Secretary-General's report on "An Agenda for Peace" had highlighted a number of issues which had duly been reflected in the working paper.

44. Mr. DELON (France) noted that since the Special Committee's latest session, the Secretary-General had submitted his report entitled "An Agenda for Peace" (A/47/277) containing a series of important recommendations, some of which could usefully be taken up by the Special Committee.

45. In the field of international peace and security, the Special Committee had considered a working paper on cooperation between the United Nations and regional organizations (A/AC.182/L.72) which had the merit of emphasizing the place that could and should henceforth be occupied by the regional organizations in the collective security system. His delegation supported the enlarged vision of security as made up of economic, political and humanitarian components presented by the document.

46. For too long, the roles of the United Nations and the regional organizations had been regarded as alternatives, whereas they were deeply complementary. The regional organizations were a part of the Charter's collective security system, within which the Security Council had the primary responsibility for the maintenance of international peace and security. The spread of ethnic rivalries and regional conflicts over the past few years had brought some of the regional organizations into the front line of preventive diplomacy, peace-keeping, peacemaking and humanitarian assistance. A tragic example was that of the former Yugoslavia, in which the European Community and the Conference on Security and Cooperation in Europe had played and continued to play a very important role with regard to the resolution of the crisis and the alleviation of the sufferings of the populations. They were doing so, it must be emphasized, both within the framework of their own responsibilities and at the request of the Security Council. Mention should also be made of the role of OAU in Somalia, that of OAS in Haiti and that of ECOWAS in Liberia.

47. The Secretary-General had devoted an entire chapter of his "Agenda for Peace" to cooperation between the United Nations and the regional organizations, and had made a series of recommendations on the subject which should, in his delegation's view, be considered by the Special Committee in conjunction with working paper A/AC.182/L.72. His delegation also considered that the resolution to be adopted by the Sixth Committee might invite Member States to inform the regional organizations to which they belonged of the work of the United Nations on the subject and to transmit their comments and suggestions to the Special Committee.

48. In connection with another aspect of its work relating to international peace and security, the Special Committee had considered working paper A/AC.182/L.73, on assistance to third States affected by the application of sanctions under Chapter VII of the Charter (A/47/33, para. 109). His delegation was in favour of a more effective response to the situation of States indirectly affected by the measures envisaged under Article 50 of the Charter, particularly as the number of those measures had greatly increased recently. However, it doubted whether the establishment of permanent machinery operating to a certain extent automatically constituted the most relevent response to the problems involved. As each case was special, the

(Mr. Delon, France)

question should be considered in the light of the work carried out within the framework of the Security Council Committee established pursuant to resolution 661 (1990), which showed a preference for a settlement of problems on a case-by-case basis. In any event, the Special Committee should continue its study of the subject and, in that connection, his delegation welcomed the announcement that a revised version of the working paper would be submitted at the Special Committee's next session.

49. The Special Committee should also continue its study of the important question of the peaceful settlement of disputes between States, and his delegation hoped that the Guatemalan delegation would be able to submit a revised text of its rules for the conciliation of disputes between States at the Special Committee's next session.

50. Although the Secretary-General's proposal that he should be authorized to request advisory opinions from the International Court of Justice was attractive in many ways, his delegation agreed that its implementation would involve a number of political and legal difficulties. The question was complex and should continue to be given serious study in all its aspects; the Special Committee seemed the most appropriate place in which to do so. The Special Committee should also give attention to those parts of the Secretary-General's "Agenda for Peace" which dealt with various aspects of the peaceful settlement of disputes, including negotiation, mediation, good offices, arbitration and resort to the International Court of Justice.

51. Mrs. VALDES (Cuba) said her delegation attached great importance to the full and effective implementation of Article 50 of the Charter, especially at a time when the use of sanctions by the Security Council was expanding. It therefore hoped that the Special Committee would continue its consideration of working paper A/AC.183/L.73 on assistance to third States affected by the application of sanctions (A/47/37, para. 109), of which Cuba was a sponsor, with a view to concluding its work on it at the next session.

52. In the past few years, great changes had taken place in the world. Traditional enemies had moved from confrontation to cooperation, but the developing world was experiencing a time of uncertainty and disquiet. The cold war had ended but the gap between rich and poor had widened. It was therefore important to begin to analyse the legal implications of the changes that had taken place in international relations. In a world governed by international law instead of the law of the strongest, the United Nations was called on to play a primary role, but it could only do so if the structures established long ago were modernized and brought into conformity with existing circumstances. To that end, a balance must be established between the principal organs of the Organization, particularly the General Assembly and the Security Council. The unprecedented expansion of the Council's activities had given rise to justified concern on the part of the international community with respect to the role of that body and the use to which it was being put. The Security Council should not only refrain from exceeding the functions it

(Mrs. Valdes, Cuba)

had been assigned but provide the General Assembly, an organ to which it was responsible, with substantive reports which would make possible full discussion of its work. It should not be forgotten that the General Assembly was the most democratic organ of the United Nations, in which all Member States participated as equals. The strengthening of the role of the Assembly was essential in order to avoid leaving the power of decision on questions of transcendent importance, such as those relating to world peace, solely in the hands of a minority which was becoming increasingly less representative of the membership of the Organization as a whole.

53. Her delegation therefore considered that the Special Committee should review the way in which the respective roles and functions of the Council, the Assembly and the Secretariat were being carried out, as well as the relationships between those organs with regard to the maintenance of international peace and security, in order to bring them into line with current realities. Both the composition and the current functioning of the Security Council should be reviewed with a view to making them more democratic and more truly representative of the interests of the international community as a whole.

54. Those and other considerations had led her delegation to submit the working paper appearing in paragraph 123 of the Special Committee's report. The democratization of the United Nations was all the more necessary at a time when some had begun to question principles which were the very foundation of relations between independent States, such as those of sovereignty and non-interference in the domestic affairs of States.

55. Mr. DASTIS (Spain) said that document A/47/33 had demonstrated once again the Special Committee's capacity to deal with the fundamental questions which the United Nations was facing in its efforts to maintain international peace and security. During the Special Committee's latest session, his delegation had noted the fundamental role which the Special Committee could play in the fulfilment of the objectives set out in the Secretary-General's report "An Agenda for Peace" (A/47/277); many of the initiatives for strengthening the Organization which were mentioned in that report had been included in the Special Committee's programme of work.

56. In the field of preventive diplomacy, the Special Committee had elaborated the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field and the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security, of which his delegation had been a sponsor. Both Declarations contained suggestions and recommendations which should be developed, provided that the will to do so existed on the part of States; in particular, the references to fact-finding activities by the Secretary-General could be the starting-point for improving the information-gathering capabilities of the Secretariat and enhancing the Secretary-General's ability to provide early warning of disputes or situations which might threaten international peace and security.

(Mr. Dastis, Spain)

57. The ever-growing demands which the United Nations faced in the field of peace-keeping were placing a heavy strain on its human and material resources. In order to alleviate that burden, full advantage should be taken of the provisions of Chapter VIII of the Charter relating to the participation of regional organizations in the maintenance of international peace and security.

58. In his report "An Agenda for Peace", the Secretary-General had made a number of suggestions for giving regional organizations a greater role in peace-keeping and enhancing cooperation between them and the United Nations. More recently, in his report on the work of the Organization (A/47/1), the Secretary-General had noted that regional organizations could play a crucial role if their activities were undertaken in a manner consistent with the principles of Chapter VIII, although the exact modalities of the division of labour between them and the United Nations remained to be worked out. In his view, document A/AC.182/L.72 (A/47/33, para. 39) helped to define that division of labour. Not only should the contribution which regional organizations could make to peace-keeping be recognized, but States should be encouraged to establish functionally and structurally balanced regional organizations capable of taking effective action, as provided for in paragraph 1 of the working paper.

59. Member States, especially the least developed among them, were also finding that the maintenance of peace and security placed a strain on their resources. The implementation of the preventive or enforcement measures provided for in Chapter VII of the Charter had created economic difficulties which could not be overlooked. The Charter itself did not adequately address such problems; Article 50 merely envisaged the right of States confronted with special economic problems arising from the carrying out of such measures to consult the Security Council with regard to a solution. Document A/AC.182/L.73 (A/47/33, para. 109), of which his country was a sponsor, was an attempt to fill that gap.

60. Although the sanctions committees established by the Security Council were competent to make recommendations to the Council on a case-by-case basis in connection with Article 50 of the Charter, such recommendations should be followed by effective measures; the Economic and Social Council and the United Nations agencies specializing in economic matters could cooperate to that end.

61. The best means of maintaining peace and security was to settle disputes peacefully before they erupted into armed conflicts. Accordingly, the Charter offered a wide array of means for the resolution of conflicts. In the report "An Agenda for Peace", the Secretary-General placed special emphasis on strengthening the International Court of Justice and on the need for greater reliance on the Court by States. Spain had recently demonstrated its reliance by recognizing the compulsory jurisdiction of the Court and by contributing, for the past two years, to the Trust Fund established to assist countries unable to afford the cost involved in bringing a dispute to the Court.

(Mr. Dastis, Spain)

62. Likewise, Spain supported the Secretary-General's proposal that he should be authorized to request advisory opinions of the Court on legal questions arising within the scope of his activities, and believed that satisfactory solutions could be found to any difficulties which might arise in that connection. The statement made by the Legal Counsel at the recent session of the Special Committee had greatly clarified the objectives of the proposal and the reasons behind it. A statement to the effect that the submission of a dispute to the Court required the prior consent of the parties to the dispute would greatly facilitate the acceptance of the proposal. Furthermore, as he understood it, the proposal would not involve any amendment to Article 96 of the Charter. Although the Article referred to authorization being given to "organs" of the United Nations, there was nothing to prevent the Secretary-General from also being so authorized.

63. Turning to the draft United Nations rules for the conciliation of disputes between States (A/47/33, para. 132), which his delegation supported, he said that States were generally reluctant to resort to conciliation and to intervention by a third State in their disputes. Accordingly, his delegation believed that the draft should be viewed as part of a flexible procedure which would encourage States to resort to conciliation, provided with alternative options or methods, and given assistance with regard to both the procedural and substantive aspects of dispute settlement. In that context, the Secretariat could play an important role in opening channels of communication between the parties.

64. While his delegation believed that it would be premature to adopt a decision on the future programme of work of the Special Committee at a time when its agenda was full, he urged the Special Committee to focus on some of the specific suggestions contained in the report "An Agenda for Peace".

65. Mr. MBURI (United Republic of Tanzania) said that the views expressed during the latest session of the Special Committee reflected the feeling of most Member States on the questions of the maintenance of international peace and security and the peaceful settlement of disputes between States. Much had been said about the need to review and amend the United Nations Charter, in order to take account of the fundamental changes in the international situation and the needs of the emerging new world order. Charter revision had the support of many Member States, not merely because Charter provisions had become obsolete or difficult to implement but also in order to achieve greater equality, justice and efficiency. It was important that those who had given their loyalty to the Charter should be able to have confidence in the functioning of the organs created by it. At the Summit Meeting of the Security Council on 31 January 1992, the importance of strengthening the Charter by implementing its provisions had been stressed, but reference had also been made to the need to review the Charter.

66. His delegation felt that as a first step, all possible areas for review should be listed. From that list, a few non-controversial areas requiring

(Mr. Mburi, United Republic of Tanzania)

immediate attention could be identified, for example, the need to eliminate the provisions referring to "enemy States". The questions of the composition of the Security Council and its decision-making procedures might then be considered. Discussion should be opened on matters such as the membership of the Security Council, its transparency and the use of the veto. The question of exercising a veto by regional groupings was a possible option, as was that of making decisions by consensus.

67. The fact that the Security Council had performed very well in the recent past did not eliminate the legitimate concerns of the majority of Member States about its composition. The large increase in the number of Members of the Organization and the rising demand for democracy in every aspect of human activity underscored the urgent need for Charter review. It was absurd to undertake reforms in selected areas of the Organization while ignoring the need for the review of a primary organ dealing directly with international peace and security. His delegation would suggest that reform of the Security Council should be included in the agenda of the working group of the General Assembly which was to be set up to deal with the Agenda for Peace.

68. Adequate powers should be given to the General Assembly or its role strengthened even further. Its relationship with the Security Council should also be modified so as to enable the Assembly to assume more decision-making capability.

69. It was appropriate to give the Secretary-General authority to seek an advisory opinion from the International Court of Justice, provided that the authority was exercised in situations where the Secretary-General was not, at any stage, a party to a dispute, for example, one that would be decided by the United Nations Administrative Tribunal and which, in many instances, would go before the Committee on Applications for Review of Administrative Tribunal Judgements. His delegation continued to believe that granting the authority on an ad hoc basis only was a good alternative despite the Legal Counsel's view that such authorizations would not achieve the goal fully and were difficult to operate in practice.

70. The Russian Federation was to be commended for its initiative in submitting working paper A/AC.182/L.72, containing the "Draft declaration on the improvement of cooperation between the United Nations and regional organizations" (A/47/33, para. 39). The topic was a timely one, but the proposal incorporated too many issues, giving emphasis to some while ignoring others. His delegation suggested that the title should be modified to read "Draft declaration on the improvement of cooperation between the United Nations and regional organizations in the maintenance of international peace and security" in order to reflect the intent of the proposal more accurately.

71. Chapter VI of the Secretary-General's report entitled "An Agenda for Peace" provided a good summary of the system for cooperation with regional arrangements and organizations. It might be added that though primary

(Mr. Mburi, United Republic of Tanzania)

responsibility for the maintenance of international peace and security lay with the Security Council, regional organizations should be allowed to exercise discretion in dealing with a matter within their region if it was necessary to defuse an explosive situation even before the Security Council intervened.

72. The other working paper submitted by the Russian Federation, entitled "New issues for consideration in the Special Committee" (A/AC.182/L.65 and Corr.1), was also welcome. Care should, however, be taken to avoid the duplication of work already undertaken or being considered elsewhere, such as the preparation of a general instrument on the peaceful settlement of disputes, which would duplicate the material in the Secretary-General's Handbook on the subject, or ways of expanding cooperation between the United Nations and regional organizations, which could be dealt with in the proposal dealing specifically with that subject.

73. His delegation also supported working paper A/AC.182/L.73, on assistance to third States affected by the application of sanctions (A/47/33, para. 109). Its usefulness was obvious, as recent experiences had shown how third States had been affected by economic sanctions imposed on a State under Article 50 of the Charter. What was needed was specific proposals on how such assistance could be extended through a guaranteed arrangement such as the establishment of the proposed fund of mandatory contributions.

74. His delegation had already referred to the need to review the relationships between the organs of the United Nations with a view to democratizing them. The Cuban proposal on the strengthening of the role of the Organization and enhancement of its efficiency was highly commendable from that point of view. His delegation agreed that there was a need to formulate guidelines or recommendations on the matters listed by Cuba. The fact that the Cuban proposal raised extremely sensitive issues should not deter Member States from effecting changes that were necessary and would serve the interests of the international community.

75. His delegation also noted with satisfaction the progress made with regard to the draft United Nations rules for the conciliation of disputes between States (A/47/33, para. 132). It commended the Guatemalan delegation on its initiative and hoped that it would have a revised draft ready for a second reading at the next session of the Special Committee.

76. Mr. VOICU (Romania) said that there was clearly a close relationship between the Secretary-General's report "An Agenda for Peace" (A/47/277) and the report of the Special Committee (A/47/337). The Secretary-General's report was a comprehensive step towards strengthening the United Nations and contained a wealth of suggestions which were of particular value for the Special Committee's current and future work.

(Mr. Voicu, Romania)

77. His delegation welcomed the submission by the Russian Federation of document A/AC.182/L.72 (A/47/33, para. 39), which reflected the need of both the United Nations and regional organizations to play a greater role in the maintenance of international peace and security, particularly through preventive diplomacy. The time had come to revitalize Chapter VIII of the Charter by studying practical means of encouraging cooperation between such organizations and the United Nations in the prevention and settlement of regional conflicts.

78. With regard to the need for a precise definition of the concept of preventive diplomacy, as had been mentioned during the consideration of the document in the Special Committee, he drew attention to the suggestion made by the Secretary-General in paragraph 20 of his report. There was no conflict between the Special Committee's approach and that of the Secretary-General; on the contrary, there was consistency between the conclusions reached in the two reports.

79. The activities of the United Nations and those of regional organizations must be complementary; in that context, the broad language in Chapter VIII provided a foundation on which to build. Consultations between the United Nations and regional organizations could do much to bring about international consensus on the nature of a problem and the measures required to address it, particularly in the post-cold-war era. Accordingly, his delegation shared the hope expressed by other delegations that, in the future, the Conference on Security and Cooperation in Europe (CSCE) would be effective in preventing conflicts throughout Europe.

80. It was to be hoped that the suggestions made by various delegations would be taken fully into account in the revised version of the document to be submitted in 1993, and that greater emphasis would be placed on practical means of improving cooperation between the United Nations and regional organizations.

81. With regard to document A/AC.182/L.73 (A/47/33, para. 109) he drew attention to paragraph 115 of the Special Committee's report. The sponsors of the revised version of the document had invited the Secretary-General to address such questions as sharing the costs of a system of collective security, the principle of "mutual assistance", and the need for studying specific techniques for providing assistance to States affected by the implementation of sanctions within the context of his recommendations on ways of strengthening the capacity of the United Nations for preventive diplomacy, peacemaking and peace-keeping. His delegation noted with satisfaction the recommendation made by the Secretary-General in paragraph 41 of his report "An Agenda for Peace" that the Security Council should devise a set of measures involving the financial institutions and other components of the United Nations system that could be put in place to insulate States from such difficulties.

(Mr. Voicu, Romania)

82. His Government supported the establishment of a special fund, to be administered by the Security Council, which could be used to assist countries economically affected by the imposition of sanctions. The existence of such a fund would encourage States to cooperate with the Council in situations of crisis management. As noted in paragraph 8 of the document, the problems affecting those countries persisted, and in certain respects had been aggravated, while the appeals launched pursuant to the recommendations of the Security Council Committee established under resolution 661 (1990) and addressed to all concerned by the Secretary-General, had not evoked responses commensurate with the urgent needs of the affected countries. Accordingly, his delegation believed that the question should remain under review in the Sixth Committee and in other relevant Main Committees, with a view to finding practical solutions. In the meantime, it was to be hoped that the Security Council would devote full attention to the issue. His Government further supported the suggestion made by the representative of Czechoslovakia that analytical information on the existing experience and practice of the United Nations, and in particular of the three sanctions committees established by the Security Council, should be made available to the Special Committee.

83. His delegation welcomed the submission by Guatemala of document A/45/742 (A/47/33, para. 132), which was a positive contribution to the development of mechanisms for the prevention and peaceful settlement of disputes between States. In view of the length and complexity of the document, it was to be hoped that in 1993 Guatemala would submit a revised draft taking into account the many suggestions and observations. The draft should be harmonized with the document on resort to a commission of good offices, mediation or conciliation within the United Nations (General Assembly decision 44/415, annex).

84. Lastly, it was to be hoped that informal consultations in the Sixth Committee would result in a clear mandate for the Special Committee's 1993 session, thus enabling the Special Committee to make tangible progress on all items on its agenda and to decide about new issues for consideration in the future.

The meeting rose at 12.40 p.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

SIXTH COMMITTEE
15th meeting
held on
Thursday, 15 October 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 15th MEETING

Chairman: Mrs. FLORES (Uruguay)
(Vice-Chairman)

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In the absence of Mr. Zarif (Islamic Republic of Iran), Mrs. Flores (Uruguay), Vice-Chairman, took the Chair.

The meeting was called to order at 3.05 p.m.

AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/47/33, A/47/60-S/23329, A/47/67, A/47/277-S/24111, A/47/516)

1. Mr. WOOD (United Kingdom) said that, although the discussions of the Special Committee on the Charter during its 1992 session had not yielded concrete results, they had none the less been timely and important. A number of the items considered by the Special Committee had also been taken up in the Secretary-General's report, "An agenda for peace" (A/47/277-S/24111). It contained at least three important sets of proposals that fell naturally within the mandate of the Special Committee: the contribution of regional organizations to the maintenance of international peace and security, the implementation of Article 50 of the Charter and the role of the International Court of Justice.

2. Regarding the first item, the time had come to consider the main aspects of the relationship between regional organizations and the United Nations by drawing on the experience of the many individuals who worked in that field, both within and outside the United Nations. In that respect, while the draft declaration on the improvement of cooperation between the United Nations and regional organizations (A/47/33, para. 39) submitted by the Russian Federation was useful, it was necessary to consider whether it should be the main focus of the work of the Sixth Committee. Perhaps, a study comparable to the Handbook on the Peaceful Settlement of Disputes would be more effective than a declaration.

3. Although aware of the economic difficulties often caused to third countries by the imposition of preventive and enforcement measures (Art. 50 of the Charter) and anxious to contribute to the examination of that question, the United Kingdom delegation thought there would be real difficulty in drawing up general and universally applicable arrangements, since each case was by definition specific. Nevertheless, that problem, which was becoming increasingly important, should be studied, and it would perhaps be useful to consult international financial institutions which were well-placed to assess the effects of sanctions on third countries.

4. It was his delegation's view that it would not be advisable to authorize the Secretary-General to request advisory opinions from the International Court of Justice. In order to enhance the Court's role, a way must first be found to ensure that the compulsory jurisdiction of the Court was widely recognized. States should consider including compromissory clauses in the bilateral and multilateral treaties to which they were parties, especially those which were concluded under the auspices of the United Nations. Disputes

(Mr. Wood, United Kingdom)

should be submitted on an ad hoc basis to the Court, including, where appropriate, to a chamber of the Court. The political organs of the United Nations should bear in mind that they had the option of referring a dispute, or legal aspects of a dispute, to the Court. His Government strongly supported the special trust fund which had been created for that purpose and had already made a substantial contribution to it. It hoped that other Governments would do likewise.

5. The United Kingdom welcomed the document "United Nations rules for the conciliation of disputes between States", proposed by Guatemala, which had been examined with great care by the Special Committee (para. 132). He noted the Guatemalan Government's intention to submit a revised draft that would take into account the comments made at the 1992 session, and hoped that the revised draft would be ready in plenty of time for the 1993 session.

6. Mr. KAZI (Pakistan) noted that the dramatic changes which recently had shaken the world had given rise to a mixture of expectations and concerns. While there had been encouraging signs in a number of areas - the easing of international tension, the movement towards democratization, human rights, arms control and the right of peoples to self-determination - there was also cause for regret in the fact that the principles of the United Nations Charter continued to be flouted, that armed conflicts continued to rage and that peoples continued to be denied exercise of their right to self-determination. World peace could be established only if States abided by the principles of equity and justice enshrined in the Charter.

7. The Security Council Summit Meeting held in January 1992 was a welcome initiative, and Pakistan supported the Secretary-General's proposal to repeat the experience on a regular basis. The report, "An agenda for peace", prepared pursuant to the statement adopted at the conclusion of the summit was very timely and useful and would certainly be of benefit to the Special Committee in its deliberations.

8. The principle of peaceful settlement of disputes had always been the cornerstone of the policy of his Government, which viewed conciliation as one of the most effective means States had for settling their disputes. The Guatemalan proposal whereby the conciliation rules of the United Nations Commission on International Trade Law should be applied with flexibility to international public law was deserving of consideration, and his delegation hoped that the revised version of the draft United Nations rules for the conciliation of disputes between States would be available for the 1993 session of the Committee.

9. Pakistan recognized the compulsory jurisdiction of the International Court of Justice and believed that States should be encouraged to turn to it more often for adjudication of the legal aspects of their disputes.

(Mr. Kazi, Pakistan)

10. His delegation emphasized that the States affected by application of sanctions under Chapter VII of the Charter had not received assistance commensurate with the losses. A mechanism for redressing the situation should be established without delay. Such a mechanism would make it possible, not only to assist the affected States in overcoming their problems, but also to strengthen cooperation among States in the implementation of sanctions and to make some third States which were seriously affected by sanctions more inclined to implement them.

11. While favouring the idea of increasing the number of non-permanent members of the Security Council on the basis of a more equitable geographical distribution, his Government was firmly opposed to any increase in the number of permanent members of the Security Council, with or without the right of veto. Such a decision would clearly conflict with the principle of equality of States and with demands for democratization of the United Nations. It was important not to create new centres of power and privilege in the international community.

12. Regarding the draft declaration on improving cooperation between the United Nations and regional organizations (para. 39), which had been submitted by the Russian Federation, he observed that the Charter conferred primary responsibility for maintaining international peace and security on the Security Council. While there was nothing in the Charter to prevent regional arrangements or agencies from playing a role in peace-keeping at the regional level, care should be taken to ensure that the peace-keeping activities of regional bodies did not encroach on those of the United Nations.

13. His delegation welcomed the initiative to reinforce the role of the United Nations but remained convinced that the effectiveness of the United Nations depended primarily on the full application of the Charter in the deliberations and decisions of all its organs. While there had been occasions when the United Nations had been unable to fulfil its primary responsibility of preserving and maintaining peace, in no case were such setbacks attributable to any shortcomings in the Charter; the fault lay, rather, in the failure of some States to implement Charter provisions uniformly and to abide by United Nations decisions.

14. Mr. AYOOB (Afghanistan) said that the working paper submitted by the Russian Federation on the improvement of cooperation between the United Nations and regional organizations (para. 39) deserved special attention. At a time of emerging ethnic and religious conflicts world wide, regional organizations could play a significant role in finding solutions to regional problems. It was particularly important to cooperate with them in areas like the economy and the protection of human rights and minority rights, all essential elements in ensuring regional and global security.

15. The draft United Nations rules for the conciliation of disputes between States submitted by Guatemala (para. 132) was unquestionably a timely

(Mr. Ayoob, Afghanistan)

initiative and a useful basis for discussion. Conciliation was a generally accepted means of dispute settlement, but it was imperative that in discharging its conciliatory mission the United Nations should take into consideration the cultural and historical backdrop to the disputes. It would therefore be advisable to appoint conciliators from the region where a dispute occurred, who would be more aware of the historical, cultural and psychological issues.

16. Afghanistan believed that by authorizing the Secretary-General to request advisory opinions from the International Court of Justice in connection with his good-offices missions, the Organization would add to its arsenal an important means of peacefully settling regional and international conflicts. It had to be decided, however, if such authorization would be on an ad hoc or a permanent basis.

17. In spite of the positive changes in international relations, the United Nations had not yet realized its main objective, the establishment of a new and just international economic order. While the era of confrontation between East and West had come to a close, the contrast between the wealth of the North and the poverty of the South continued to increase. The United Nations must therefore seize the opportunity offered by détente and redouble its efforts to ensure the social and economic progress of the developing countries, especially the least developed. The maintenance of international peace and security depended not only on the absence of war but also on the social and economic development of all countries.

18. The United Nations Charter was an instrument that had stood the test of time, but it was a fact that some of its provisions were based on the situation prevailing in 1945. Since then the world had changed dramatically in political, economic and strategic terms and the number of Member States had more than tripled. Therefore his delegation favoured a revision of the Charter pursuant to Article 109, and hoped that when its fiftieth anniversary was celebrated, the Organization would be ready to meet the challenges of the new world situation.

19. Mr. JARAMILLO (Colombia) said that the strengthening of the role of the Organization should be conceived only in the context of respect for the particular mandate and responsibilities of the organizations of the United Nations system, which meant that the General Assembly would duly carry out its Charter responsibilities for the maintenance of international peace and security in close coordination with the Security Council, whose own mandate must be strictly observed and must be subject to no unprescribed limitation. To strike the needed balance among the mandates of the various United Nations bodies, the role of the International Court of Justice must be revitalized and the Secretary-General given authority to seek its advisory opinion with the consent of the States that were parties to a given dispute.

(Mr. Jaramillo, Colombia)

20. As to the revision of the Charter, both the composition and the decision-making process of the Security Council had to be made more democratic, in order to take account of the new political, economic and strategic realities. It was indeed difficult to see how the respect for democratic principles demanded of States in their internal affairs could still fail to have a counterpart multilaterally.

21. His delegation cautioned against the tendency to expand the assigned tasks and the powers of the Security Council beyond what the Charter stipulated, because the Council could not maintain its credibility unless it properly represented the international community by observing its own mandate as sanctioned by law.

22. Regarding the Russian draft of a declaration on the improvement of cooperation between the United Nations and regional organizations (para. 39), the importance of the cooperation in question would be hard to overestimate, assuming that it was consistent with Chapter VIII of the Charter, the imposition of coercive measures by regional organizations was authorized by the Security Council, the cooperation extended also to the economic and social spheres, and the principles of sovereignty and non-interference in the internal affairs of State were respected, which would mean removing any reference in the draft to internal conflicts. Lastly, regional organizations must, in exercising their preventive functions, bear in mind the peaceful and diplomatic means set out in Chapter VI of the Charter.

23. Among the new issues that the Special Committee could consider, the Secretary-General's "An agenda for peace" deserved in-depth discussion (particularly paras. 26, 28 and 29-33, and the passages on Arts. 40 and 65 of the Charter). Discussions should also begin on ways of promoting acceptance of the binding jurisdiction of the International Court of Justice.

24. As a sponsor of the working paper on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII (para. 109 of the report), Colombia was convinced of the need to supplement Article 50 of the Charter by agreements making it mandatory to come specifically to the assistance of States thus affected. That would encourage all States to cooperate in observing sanctions.

25. Lastly, his delegation welcomed the working paper on the strengthening of the role of the Organization and the enhancement of its efficiency (para. 123), particularly the suggestions put forward regarding the composition of the Security Council and the relationship between the Council and the General Assembly.

26. Mr. NASIER (Indonesia) said that he was convinced of the importance of the role of regional organizations as underscored by the Secretary-General in "An agenda for peace" since they were in a good position to propose solutions

(Mr. Nasier, Indonesia)

to local conflicts, reduce tensions and strengthen regional security, especially because their work was often complemented by instruments that promoted economic, social and cultural cooperation and contributed to the building of confidence and, ultimately, international security. Yet regional efforts could only be supplementary and had not diminished the need for an effective global framework for collective security in the context of the Charter. A thorough examination was needed of possible mechanisms and procedures to stimulate interaction between the United Nations and the regional organizations, an approach that would strengthen multilateralism and contribute to efforts to make international relations more democratic.

27. His delegation welcomed the working paper on the improvement of cooperation between the United Nations and regional organizations (para. 39), a timely initiative providing a good basis for work, as well as the other working paper submitted by the Russian Federation on new issues for consideration in the Special Committee (para. 95).

28. The third working paper considered by the Special Committee (para. 109), regarding assistance to third States affected by the application of sanctions under Chapter VII of the Charter, should be considered further at the 1993 session, with the participation of all interested delegations, so that specific conclusions could be agreed upon. Also, the Special Committee should deliberate further on Guatemala's proposed United Nations rules for the conciliation of disputes between States (para. 132).

29. In view of the great increase in the number of United Nations Members since 1945, it was time to address the question of the composition of the Security Council. His delegation believed that it should be expanded to accommodate new permanent members, not necessarily with veto powers.

30. Mrs. SINJELA (Zambia) said that she shared the views of those who advocated enlarging the Security Council in order to reflect the increased number of Member States and enable a wide range of States to participate in the maintenance of international peace and security. It was imperative for the Security Council to act in close coordination with the General Assembly and consult with the States that were not members of the Council in order to take due account of their interests in its deliberations and decisions. Zambia also supported strengthening the role of the General Assembly in maintaining peace because that was the only body where all the States Members of the Organization were equally represented. Likewise, her delegation supported the proposal that the Secretary-General be authorized to request advisory opinions from the International Court of Justice in order to discharge his duties effectively. Zambia also welcomed the proposal to establish a working group to consider the various proposals put forward by the Secretary-General in his "An agenda for peace".

31. She then turned to the report of the Special Committee (A/47/33) and the various texts dealt with in it. Zambia welcomed the two working papers

(Mrs. Sinjela, Zambia)

submitted by the Russian Federation entitled "New issues for consideration in the Special Committee" and the "Draft declaration on the improvement of cooperation between the United Nations and regional organizations". Regional organizations had a very important role to play in the maintenance of international peace and security in general and especially in dealing with specific regional conflicts in their early stages before they were brought before the Security Council. Nevertheless, the activities of such organizations and those of the United Nations should be complementary.

32. The other working papers submitted by the Libyan Arab Jamahiriya in 1991, on enhancing the effectiveness of the Security Council (see A/46/33, para. 14), and by Cuba at the current session, on strengthening of the role of the United Nations in the maintenance of international peace and security (A/47/33, para. 123), should be considered further in order to make use of all available means for maintaining international peace and security. She also supported the paper on third States affected by the application of sanctions under Chapter VII of the Charter (para. 109) and the Guatemalan proposal on "United Nations rules for the conciliation of disputes between States" (para. 132).

33. Her delegation was not in favour of enlarging the membership of the Special Committee, particularly since all Member States were free to participate in its work as observers and on an equal basis with its members.

34. Mr. CEDE (Austria) said that conflict prevention constituted one of the great challenges facing the United Nations and he fully shared the views expressed in that regard by the Secretary-General in his "An Agenda for peace". Austria supported in particular the proposal that the Secretary-General should be authorized to request advisory opinions from the International Court of Justice and felt that, in certain circumstances, that power could be used to complement existing mechanisms for the peaceful settlement of conflicts between States.

35. Referring to the report of the Special Committee (A/47/33), Austria noted with interest the two working papers submitted by the Russian Federation. The first paper, on cooperation between the United Nations and regional organizations, came at an appropriate time when, for example, the Conference on Security and Cooperation in Europe (CSCE) had recently made it clear that it should be viewed as a regional mechanism for matters of collective security in conformity with the Charter. Nevertheless, it seemed premature to decide on the nature of the document to be elaborated on that question. Austria favoured a very flexible approach to regional arrangements under Chapter VIII of the Charter, along the lines of the relevant passages in "An agenda for peace". There was also a need for improved coordination between the United Nations system and existing organizations that might perform functions relating to the maintenance of international peace and security at the regional level by drawing on the experience acquired by the United Nations in that field. With regard to European regional arrangements, Austria welcomed

(Mr. Cede, Austria)

the idea of a liaison mechanism to be established between CSCE and the United Nations Secretariat.

36. Turning to the working paper on third States affected by the application of sanctions under Chapter VII of the Charter (para. 109), he stressed the need for a more thorough examination of the special economic problems facing such countries. His delegation therefore supported the suggestion by the delegation of Czechoslovakia to provide the Special Committee with information on the experience gained in that area by the "sanctions committees" established under Security Council resolutions 661 (1990), 724 (1991) and 748 (1992).

37. The United Nations conciliation rules proposed by Guatemala (para. 132) were too detailed and prescriptive in nature to gain general acceptance. A revised version should give due consideration to the need for a more flexible mechanism.

38. Mr. JACOVIDES (Cyprus) said that the debate had acquired added significance in view of the Secretary-General's "An agenda for peace" (A/47/277-S/24111) and its discussion as the first substantive item at the current session of the General Assembly. His delegation would express its views on the report under consideration from that perspective.

39. The general debate in the Special Committee had stressed the importance of the fundamental changes in the international political climate. Nevertheless, the Charter, which was approaching its fiftieth anniversary, had stood the test of time and did not require any extensive change. Admittedly, more could be done to strengthen the role of the General Assembly and the Secretary-General, fully guarantee collective security as envisaged in Chapter VII of the Charter, broaden the role of the International Court of Justice in the settlement of international disputes - since, as the Court's President, Sir Robert Jennings, had stated, political disputes had a "legal component" - and implement in all cases and not selectively the decisions of the Security Council, which were binding under Article 25 of the Charter. The Secretary-General should be authorized to request advisory opinions from the International Court of Justice, in accordance with the statement by the Legal Counsel in paragraph 31 of the report under consideration.

40. The working paper on cooperation between the United Nations and regional organizations submitted by the Russian Federation (para. 39) had generated a great deal of interest, particularly in light of the situations in the former Yugoslavia and Somalia. The need for such cooperation had also been stressed at the Summit Meeting of the Security Council and by the Secretary-General in his "An agenda for peace". An important aspect of the working paper was that it included questions relating to human rights and the rights of minorities. Although the paper was solidly based on the relevant provisions of the Charter, particularly Chapter VIII, it was hoped that it would be more practically oriented and lead to specific recommendations. The recent evolution of CSCE was opening up interesting possibilities in that regard.

(Mr. Jacovides, Cyprus)

41. The working paper on assistance to third States affected by the application of sanctions under Chapter VII of the Charter (para. 109) submitted by a number of States, including Cyprus, was timely in view of recent developments. The matter was dealt with in Article 52 of the Charter, and in his "An agenda for peace" the Secretary-General recommended (para. 41) "that the Security Council devise a set of measures involving the financial institutions and other components of the United Nations system that could be put in place to insulate [third] States from" difficulties arising from the implementation of sanctions. Regardless of whether practical solutions could be found on a case-by-case basis, a full proposal with specific suggestions should be prepared.

42. The Russian Federation had also submitted at the forty-fifth session a working paper on new issues for consideration in the Special Committee (see A/45/33, para. 14). Those issues should also take into account the proposals made by the Secretary-General in the "An agenda for peace" which came under the mandate of the Special Committee. Consideration should also be given to the proposal that the Secretary-General should be authorized to request advisory opinions from the International Court of Justice, a proposal which Cyprus supported.

43. The working paper submitted by Cuba on strengthening of the role of the United Nations in the maintenance of international peace and security (para. 123) contained several interesting ideas. Although the proposal by Guatemala on the conciliation of disputes between States (para. 132) was so detailed that it lacked the flexibility enabling that means of settlement to be so successful, it should be given further consideration. The contributions made by the Special Committee to the United Nations Decade of International Law (a draft handbook on the peaceful settlement of disputes between States and a draft declaration on fact-finding) were indeed commendable. For that reason, Cyprus looked forward to further contributions by the Special Committee within the framework of the Decade.

44. Lastly, he pointed out that Cyprus had endeavoured consistently to abide by the rules of international law and had participated constructively in major United Nations legislative conferences. His country had accepted without reservation the binding jurisdiction of the International Court of Justice, had been among the first States to support the Secretary-General's Trust Fund for the Court and had advocated wider use of its advisory jurisdiction. His delegation was convinced that if the relevant principles of the Charter and other rules of international law had been applied, the Cyprus problem would not have arisen.

45. Mr. MONTES DE OCA (Mexico) turned first to the problem of the composition of the Special Committee and said that observers were at present providing a large part of the contributions to its work. For example, Guatemala, Uruguay and Cuba, which had only observer status, had submitted some of the working papers which had received the most attention. As paragraph 36 of the report

(Mr. Montes de Oca, Mexico)

of the Special Committee indicated, its present members were opposed to expanding the membership. Paradoxically, it was the most recently appointed members who did not want the membership to become universal.

46. It was also surprising that, whereas the Security Council had given a warm welcome to the Russian Federation at its Summit Meeting in January 1992, the Special Committee had said nothing about the continued presence of one of its important members. Parliamentary silences were often eloquent. In proceeding in that way the Special Committee may have had in mind the possibility of submitting to the General Assembly at a later date the question of the succession of another member of the Organization; perhaps it was a deliberately selective use of procedure. It would be useful if the Special Committee devoted part of its future work to determining the criteria for such cases, interpreting the Charter on that point with its characteristic creative flexibility.

47. With regard more specifically to the matters dealt with in the report of the Special Committee, it was the working paper on assistance to third States affected by the application of sanctions under Chapter VII of the Charter (para. 109) which had attracted most attention. And Cuba's working paper on the strengthening of the role of the United Nations in the maintenance of international peace and security also contained ideas warranting serious study.

48. In contrast, his delegation had the greatest reservations about the working paper on the improvement of cooperation between the United Nations and regional organizations (para. 39) submitted by the Russian Federation. It seemed that the best that could be done for the moment was to evaluate the existing machinery for cooperation between regional organizations and the United Nations and then, if the results showed that there was some homogeneity in a given field, to carry out a study. Experience showed that there were enormous differences of type and function between the organizations in question and that it would be difficult to deal with the topic in the way proposed. His delegation therefore endorsed the opinions set out in paragraph 78 of the report. Since the working paper did not define regional organizations and the question had been appropriately dealt with in the Secretary-General's report "An agenda for peace", the Special Committee should proceed without haste and with the greatest circumspection. Even if, as stated in paragraph 46, the majority of delegations in the Special Committee had welcomed the Russian paper as a timely initiative, the minority remained far from convinced.

49. The agenda of the General Assembly contained six items concerning cooperation between the United Nations and six regional organizations. Each case could be studied separately, depending on the cooperation which it was possible to establish. What was needed was to encourage the work of the General Assembly on those items and increase the periodicity of their consideration. For the moment it would not be desirable for the Special Committee to duplicate the Assembly's work, but there was nothing to prevent consideration of all the matters arising in connection with the agenda for

(Mr. Montes de Oca, Mexico)

peace. It was with that in mind that the countries of the Rio Group and other States had wanted the General Assembly to establish an open-ended working group to study the agenda for peace systematically and in detail.

50. As for authorizing the Secretary-General to request, in certain circumstances, advisory opinions from the International Court of Justice, it should be noted that the cases in which he might proceed in that way had been slowly examined and clarified. For example, paragraph 31 of the report repeated the explanations given by the Legal Counsel, which would no doubt be supplemented by the replies to be given to the three States members of the Security Council and to the countries of Latin America alluded to in paragraph 32. His delegation was in favour of any move which might help in obtaining the authorization in question from the General Assembly.

51. Mr. BABA (Malaysia) said that his delegation had been struck by the urgent need to amend the Charter to bring it into line with the geopolitical realities of the day, which were dramatically different from those of the immediate post-war period. It was pleased that the problem had attracted comment from many Member States both during the general debate and during the discussion of the Secretary-General's agenda for peace.

52. Malaysia was in fact quite convinced that it was time to examine various provisions of the Charter which were out of step with present-day realities and needs, either because they were discriminatory or because they concerned the composition, functioning and other aspects of the Security Council's work. The objective of the exercise should be to make the Organization effective and more responsive to the needs of the whole membership rather than to the needs of a few. Some countries said that they feared that the exercise might lead to confrontation and useless polemics, but that was no more than an attempt to preserve the advantages enjoyed by a small number of States. The march towards democracy in the world was unstoppable, and the Security Council must likewise become more democratic.

53. An increasing number of delegations had made proposals in that respect, with a view to achieving something concrete before 1995, the fiftieth anniversary of the Organization. While the Sixth Committee and the Special Committee continued their examination of the whole Charter, work could begin in parallel to give effect to the political will of the General Assembly on the question of the composition and functions of the Security Council and its relations with the General Assembly.

54. The Special Committee had discussed at length the working paper on cooperation between the United Nations and regional organizations circulated by the Russian Federation (para. 39). The text presented no difficulty if it would lead to better utilization of the resources, knowledge and experience of such organizations, which knew the local situation best and enjoyed greater confidence with their member States. Some of the organizations had in fact already set up detailed mechanisms to resolve conflicts between their

(Mr. Baba, Malaysia)

members. For example, in South-East Asia the members of the Association of South-East Asian Nations had concluded a treaty of amity and cooperation to which Papua New Guinea, Viet Nam and Laos had also acceded. However, it would be premature for the Sixth Committee to address the Russian draft declaration, for it had neither the time nor the expertise to consider it in depth. Procedurally, therefore, it would be better for the Special Committee to be entrusted with the detailed examination of the proposal at its next session.

55. Malaysia shared the concern of the countries seriously affected, economically, by the sanctions imposed by the Security Council. It also thought that for the sanctions to be effective all States must comply with them, which meant sacrifices by all. The argument that Article 25 of the Charter obliged all States to support sanctions unconditionally was inconsistent with the spirit of the Charter, which provided in any case that the affected States might approach the Security Council.

56. It was not only morally justified but also legally necessary, if not legitimate, that the problems caused by sanctions should be addressed in their proper perspective. Article 50 of the Charter, which provided that any third State confronted with economic problems arising from the carrying out of sanctions had the right to consult the Security Council, was meaningless if the United Nations did not have the resources at its disposal when the States concerned appealed to it. It might therefore be suggested that the Secretary-General should examine all means of overcoming the problem, including resort to the financial institutions of the United Nations system. His delegation wanted the United Nations to take full responsibility for its decisions, which included redress of the difficulties experienced by Member States which were not the target of those decisions.

57. Mr. ROSENSTOCK (United States of America) said that much of the Secretary-General's agenda for peace could be traced to the work of the Special Committee, especially with regard to the relations between the United Nations and regional agreements and organizations. That was an extremely topical question which must remain a priority for the Special Committee, which had already made considerable progress on it. It was essential to remain within the scope of Chapter VIII of the Charter, setting the goal of maximizing the complementary nature of the activities of the United Nations and regional organizations.

58. The agenda for peace also called for consideration of aspects of the role of the International Court of Justice. It contained a very informative summary of the differing views on the question, which had already been considered by the Special Committee. The Special Committee was usefully engaged in examining the general question of the peaceful settlement of disputes, which must also be regarded as a priority issue.

59. As for the debate concerning Article 50 of the Charter, such issues could only be dealt with on a case-by-case basis and in the context of the

(Mr. Rosenstock, United States)

responsibility of the Security Council under Chapter VII of the Charter. The work of the Security Council Committee established pursuant to resolution 661 (1990), concerning the situation between Iraq and Kuwait was worthy of particular note in that context.

60. The United States was of the view that the completion of work aleady begun on topics such as the relations between the United Nations and regional organizations or conciliation should take priority over new topics. However, the working paper submitted by the Russian Federation on cooperation between the United Nations and regional organizations (para. 39) was concerned primarily with making better use of existing mechanisms of the Charter system and consequently provided a useful starting point for the consideration of new issues.

61. Mr. ORDJONIKIDZE (Russian Federation) said that during the difficult transition towards a new world order, the considerable experience of the United Nations with regard to peace-keeping and the new proposals to strengthen its role might prove extremely useful for States in different regions. For example, the methods used to deal with numerous armed conflicts and hotbeds of tension in the Commonwealth of Independent States had been developed and used for those purposes by the United Nations and the Conference on Security and Cooperation in Europe (CSCE): mediation, the involvement of groups of military and civilian observers and the use, to disengage belligerent parties, of troops under the joint command of CIS as well as Russian, bilateral or trilateral troops. Moreover, if the parties agreed, such units had the right to use force to suppress activities aimed at undermining a settlement, as had already happened. Such peace-keeping operations and the assistance of the world community had made it possible to settle conflicts in Moldova and South Ossetia. Russian diplomacy was actively seeking, within the framework of CIS, to settle conflicts in Abkhazia and Tajikistan.

62. Although the United Nations had a role to play in settling armed conflicts, that did not mean that it should be directly involved in every case. The purpose of the draft declaration on the improvement of cooperation between the United Nations and regional organizations submitted by his country and considered by the Special Committee (para. 39) was precisely to develop relations between the United Nations and regional organizations, primarily with respect to maintaining international peace and security. The proposal was motivated by the need to adapt Chapter VIII of the Charter to contemporary realities, a step that would favour the strengthening of the collective security system, which could not function without reliable regional structures. As processes to develop regional security, cooperation and integration steadily advanced, the task of the United Nations would seem to be to join efforts at the regional level with existing global mechanisms in that sphere.

(Mr. Ordjonikidze, Russian Federation)

63. The Secretary-General, in "An agenda for peace", had rightly underscored the usefulness of regional agreements and organizations and the value of cooperation between them and the United Nations. His delegation agreed with the Secretary-General that regional organizations should be more actively involved in preventive diplomacy as well as in peacemaking, peace-keeping and the consolidation of peace. His delegation also could accept the various methods proposed by the Secretary-General to improve the activities of regional organizations. Those organizations which had not yet done so should be encouraged to apply for observer status to the United Nations; that would strengthen interaction between such organizations and the United Nations, enhance conflict early-warning potential and make it possible to establish communication links between those organizations and the United Nations. His delegation also supported the intention of the Secretary-General to request all regional organizations to consider what further confidence-building measures might be used in their respective regions and to inform the United Nations of the results. Support should also be given to the proposal calling for consultations on confidence-building measures with States which had been parties to a conflict, as well as with regional organizations.

64. The idea of strengthening cooperation between the United Nations and regional organizations enjoyed widespread support among States of different regions. His delegation believed that such support reflected a growing trend towards interaction between the United Nations and regional organizations. Specifically, such interaction could take the following forms: information exchanges, liaison missions, regular meetings between the Secretary-General and the executive heads of regional organizations to discuss current international issues, along the lines of the contacts between the United Nations and the Organization of African Unity, as well as expert-level consultations.

65. The favourable response to the general orientation of his delegation's draft was very encouraging. It had been viewed as a timely initiative providing a solid foundation for the Committee's deliberations on the subject. It was now important for the Special Committee to accelerate its work. His delegation was confident that the General Assembly would instruct the Special Committee to consider the document on a priority basis. It would be useful for the General Assembly, in the resolution to be adopted on the Special Committee, to request the views of the executive heads of regional organizations on the form of and prospects for cooperation between the United Nations and those organizations. The General Assembly also should invite representatives of regional organizations to participate in the deliberations of the Special Committee in 1993.

66. When analysing the numerous interesting proposals which had been advanced to make the United Nations more dynamic and effective, a balance should be sought between required reforms and the continued use of structures which had proved their effectiveness. In that connection, the proposals which sought

(Mr. Ordjonikidze, Russian Federation)

the more comprehensive development of the potential of the Charter through recourse to its inadequately used provisions were particularly relevant. Because international relations no longer were governed by ideologies, it was now possible fully to engage the vast potential of the Charter. Attempts to divert attention from the need to re-examine the provisions of the Charter could only hamper the peace-keeping capabilities of the United Nations, which had recently developed so dynamically.

67. The working paper submitted by Cuba on the strengthening of the role of the United Nations (para. 123) gave the impression that the streamlining of the activities of the Organization should be undertaken by adapting the Charter to new realities and expanding and making its scope more precise, rather than by disrupting the structures of the Organization and rewriting the Charter. The document entitled "New Issues for Consideration in the Special Committee" submitted earlier by his country (see A/45/33, para. 14) in fact contained constructive proposals in that regard which had received a positive response from most delegations. His delegation hoped that the Special Committee would actively undertake the examination of the issues raised in that document, which, in substance, proposed a long-term programme of action to the Committee.

68. His delegation endorsed the view that in recent years Chapter VII of the Charter had acquired new relevance in the context of the implementation of Article 50. It now was time to give practical meaning to that Article. It also was necessary to develop consultation procedures which would be generally acceptable to States facing particular economic problems as a result of Security Council decisions, as well as optimal methods for resolving such issues in the light of recent experience, in particular, the work of the United Nations Compensation Commission established following the conflict between Iraq and Kuwait. His delegation supported the view of the Secretary-General to the effect that States confronted with special economic problems should be able to consult with the Security Council in accordance with Article 50. In that connection, it might be useful to recommend that the Council devise a set of measures involving the financial institutions and other United Nations bodies that could insulate States from such difficulties. At the request of the States concerned, the Security Council should recommend to the International Monetary Fund and the International Bank for Reconstruction and Development that they should take such losses into account when allocating financial resources. His delegation believed that the question should be accorded priority.

69. With regard to the "United Nations rules for the conciliation of disputes between States" proposed by Guatemala (para. 132), it was desirable when developing a conciliation procedure to take into account the new tendency of States to make the use of such a procedure obligatory, even if only one party so requested, and to make the results of the conciliation procedure binding.

(Mr. Ordjonikidze, Russian Federation)

70. He saw merit in the idea of enhancing the ability of the United Nations to settle disputes peacefully by strengthening the resolve of the parties to achieve such a settlement, by calling on a third country and enabling it to exert leverage on the parties to the conflict. His delegation advocated a more active role by the Security Council in conflict resolution and in the application of Charter provisions under which it could recommend appropriate procedures or methods for dispute settlement or, if the parties so requested, make recommendations to the parties for a pacific settlement of the dispute. It agreed with the proposal by the Secretary-General calling for more extensive use of the General Assembly to contain situations and consider and recommend appropriate action for the peaceful settlement of disputes. It also endorsed the intention of the Secretary-General to engage in conciliation, provide his good offices and conduct negotiations using the services of eminent political personalities, in close and continuous consultation with the Security Council. Bearing in mind the recent trend towards engaging third countries in the settlement of disputes and conflicts, consideration might be given to elaborating, within the framework of the Special Committee, a draft international convention on the peaceful settlement of disputes and conflicts with the assistance of a third country.

The meeting rose at 5.25 p.m.

UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

SIXTH COMMITTEE
16th meeting
held on
Monday, 19 October 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 16th MEETING

Chairman: Mr. ZARIF (Islamic Republic of Iran)

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The meeting was called to order at 3.05 p.m.

AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/47/33, A/47/67, A/47/60-S/23329, A/47/516)

1. Mr. SOARES (Brazil) said that over the past few years, the international community had embarked on the quest for new forms of cooperation to replace ideological rivalries; at the same time, the persistence of economic inequalities and the resurgence of ethnic and other disputes remained the principal obstacles to achieving a truly universal peace. That situation provided a unique opportunity to reevaluate the role of the United Nations and its Charter.

2. With regard to working paper A/AC.182/L.72 on the improvement of cooperation between the United Nations and regional organizations (A/47/33, para. 39) his delegation felt that the time had come to better define the responsibilities of the United Nations and of the regional organizations and thereby contribute to the effectiveness of the collective security system established by the Charter. It was Brazil's understanding that the relationship between the United Nations and regional organizations should be mutually reinforcing and complementary and based on full respect for the specific mandates and spheres of competence of each organization.

3. Regional arrangements could play a valuable role in events of an internal nature, and that role was not envisaged in the Charter. The Organization of American States (OAS) had its own mechanisms and methods of settling conflicts which were embodied in its Charter. In May 1992, the XXII General Assembly of OAS had approved by consensus a resolution on cooperation for security and development in the hemisphere which contained provisions related to the cooperation between the United Nations and OAS. In the light of the declaration issued by the Summit Meeting of the Security Council on 31 January 1992, the President of the Permanent Council of OAS had sent a letter to the President of the Security Council stressing the readiness of OAS to take part in international cooperation.

4. Brazil supported the suggestion that heads of regional organizations should be invited to address the Special Committee or the General Assembly; the Secretary-General and the leaders of regional organizations should meet on a regular basis, or in times of crisis, to exchange information relating to regional disputes or to consider joint initiatives. He noted that in "An agenda for peace", the Secretary-General asked all regional organizations to consider what further confidence-building measures might be applied in their areas and to inform the United Nations of the results.

5. The draft declaration contained in working paper A/AC.182/L.72 singled out certain issues which did not necessarily constitute problems affecting the entire international community. For many areas of the globe, the challenge of

(Mr. Soares, Brazil)

development remained a major issue of concern to regional stability. Brazil firmly believed that the idea of collective security encompassed the goal of economic and social development.

6. Working paper A/AC.182/L.73 on the implementation of the provisions of the Charter related to assistance to third countries affected by the application of sanctions under Chapter VII (A/47/33, para. 109) raised important questions, in particular the issues of sharing the costs of a system of collective security, the principle of mutual assistance, and the need to study specific techniques to provide assistance to States affected by the implementation of sanctions. The establishment of procedures to implement Articles 49 and 50 of the Charter was complex and time consuming; it was particularly difficult to identify criteria to assess the special economic problems confronted by States in that context.

7. On the question of whether the Secretary-General should be authorized to request advisory opinions from the International Court of Justice, it seemed clear that such authorizations could help the Secretary-General in finding ways to reach a peaceful solution of disputes and ultimately strengthen the role of the International Court of Justice by enlarging its contribution to international law and preventive diplomacy. Careful consideration would need to be given to the conditions under which advisory opinions could be requested. His delegation felt that the authorization should refer to cases in which the Secretary-General was exercising his good offices as mediator of a dispute and in which the parties agreed to the requesting of an advisory opinion.

8. While the rapidly changing international environment had led the Security Council to speed up its decision-making process on ever more complex issues, the increase in the membership of the United Nations was not properly reflected in composition of the Council. Brazil shared the view that the Security Council's methods of work needed to be improved, and that the Council should be made more representative of the international community as a whole.

9. Recent developments had created widespread expectations of a new and more equitable international order in which the United Nations would play a more important role. The transition from confrontation to cooperation could not be accomplished and sustained without strengthening the Organization and its Charter.

10. Mr. BIVERO (Venezuela) said that working paper A/AC.182/L.72 on the improvement of cooperation between the United Nations and regional organizations should call for greater participation by the General Assembly and the Secretary-General, since they too were principal organs of the United Nations and could play a decisive and mutually supporting role in conflict prevention, within the framework of the Charter. Permanent liaison between the principal organs of the Organization and regional organizations would be advantageous for the goal everyone sought. In addition to the questions of disarmament and arms control, there were many other problems such as economic and social development, democracy and human rights which, because of their

(Mr. Bivero, Venezuela)

implications for regional, and indeed international, stability and security, should be the subject of cooperation and consultation between the United Nations and regional bodies within their respective spheres of competence. OAS had acquired a great deal of experience in that area and his delegation therefore supported the proposal to invite representatives of regional organizations to the Special Committee's next session. It also shared the view that the final document should be flexible in nature and should make general political recommendations.

11. His delegation believed that working paper A/AC.182/L.65 and Corr.1, entitled "New issues for consideration in the Special Committee" contained valid ideas, but that a selection of items should be made on the basis of their degree of priority. It supported the recommendations on broadening the peacemaking efforts of the Secretary-General. In that context, the document "An agenda for peace" contained a number of innovative ideas which should be considered by the Special Committee.

12. With regard to working paper A/AC.182/L.73 (A/47/33, para. 109), he noted that so far there had been no attempt to find a real solution to the problems experienced by third States affected by the application of sanctions. His delegation hoped that there would be no further delay in the Special Committee's consideration of the item.

13. In connection with working paper A/AC.182/1992/CRP.2, entitled "Strengthening of the role of the United Nations in the maintenance of international peace and security" (A/47/33, para. 123) his delegation believed that the main task facing the United Nations was to determine whether its current structure and functions corresponded to the challenges posed by its growing responsibilities. The first step had already been taken by the Secretary-General in "An agenda for peace"; further reflection was needed and, if necessary, reforms should be carried out on the basis of the purposes and principles of the Charter. The greater universality of the United Nations and its many achievements in so many different spheres of international coexistence should permit an objective view of its shortcomings and of the mechanisms and resources which could be used to overcome them. The Special Committee had a critical role to play in that respect.

14. Mr. AL-DALAY (Yemen) said that in his delegation's view the role of the Organization could be strengthened only through strict adherence to the principles of the Charter, increased settlement of disputes by peaceful means and avoidance of the threat or use of force in relations between States. The Organization's role should not be restricted to the maintenance of international peace and security, and it should make a more effective contribution to strengthening cooperation for development and in the cultural field. The radical changes taking place in the world following the end of the cold war had, however, brought the Organization new burdens and new responsibilities in connection with conflict resolution and the maintenance and strengthening of international peace and security.

(Mr. Al-Dalay, Yemen)

15. His delegation shared the view that the membership of the Security Council should be expanded in order to bring about wider participation in the adoption of uniformly balanced and fair resolutions, in keeping with the provisions of the Charter. Cooperation between the United Nations and regional organizations would provide the means to reinforce stability and peace and limit confrontation, and it would assist the Organization in taking preventive measures for the peaceful settlement of disputes subject to respect for sovereignty and non-interference in the internal affairs of States, which were rights guaranteed by the Charter to all Member States. Given the comprehensive nature of regional security, it would be wise for regional organizations to include political, economic and humanitarian matters in their activities in accordance with the powers accorded to them by the United Nations and in a manner compatible with the Charter.

16. Document A/45/742, entitled "United Nations rules for the conciliation of disputes between States" (A/47/33, para. 132) contained constructive ideas, and the Special Committee should revise and redraft it as a contribution to the peaceful settlement of disputes in accordance with the provisions of the Charter. His Government had demonstrated its commitment to the principle of the peaceful settlement of disputes by signing an international boundary agreement with Oman in October 1992, and it was currently endeavouring to resolve the issue of its boundaries with Saudi Arabia in negotiations at the expert level that were currently taking place in a fraternal atmosphere.

17. Mrs. BELLAMINE-DLIMI (Tunisia) said that, in the context of the changes taking place in the world, the democratization of international relations and the revitalization of the United Nations were indispensable conditions for the Organization's effectiveness and capacity to assume increased responsibilities with regard to the maintenance of international peace and security. That very concept had been expanded: it no longer meant merely the absence of armed conflicts, but also the eradication of poverty and underdevelopment, which represented the greatest threats to international peace and security. The Secretary-General's report "An agenda for peace" and his report on the work of the Organization (A/47/1) reflected a significant effort to respond to the new challenges of the post-cold-war era. "An agenda for peace" contained interesting ideas on preventive diplomacy, peace-keeping and the role of regional organizations which could be discussed in the Special Committee.

18. Turning to working paper A/AC.182/L.72 (A/47/33, para. 39), she welcomed the importance which it attached to the role of regional organizations in the maintenance of international peace and security and conflict prevention under Chapter VIII of the Charter. In that context, she noted the contribution which the Organization of African Unity (OAU) had made to a settlement of the conflicts in Somalia and elsewhere. OAU had also decided, at its Summit Meeting held at Dakar in June 1992, to establish a mechanism for the prevention, management and settlement of conflicts in accordance with the principles of the Charter. Her delegation believed that such regional mechanisms were an integral part of the collective security system and that

(Mrs. Bellamine-Dlimi, Tunisia)

efforts should be made to ensure complementarity between them and the United Nations. Furthermore, the regional organization should consider both the political and the economic aspects of security and of international cooperation in that field.

19. Her delegation also noted with satisfaction the proposals for enhancing further the Secretary-General's peacemaking role, particularly the recommendation in paragraph 17 of the working paper, that the Secretary-General and the leaders of regional organizations should meet on a regular basis to exchange information relating to local disputes and situations which might endanger international peace and security.

20. Tunisia considered that the Security Council, which was primarily responsible under the Charter for maintaining international peace and security, should encourage the peaceful settlement of local disputes through regional organizations, while at the same time, greater emphasis should be given to the role which the Charter assigned to the General Assembly in that field.

21. Working paper A/AC.182/L.73 (A/47/33, para. 109) was of particular importance in view of the Council's increasing resort to enforcement measures. Her country, which respected international law and which strictly implemented the Council's decisions welcomed the Secretary-General's recommendation in his report "An agenda for peace" that the Security Council should devise a set of measures involving the financial institutions of the United Nations system that could insulate States from the difficulties they faced as a result of the carrying out of sanctions.

22. With regard to the peaceful settlement of disputes, her delegation, while commending document A/45/742 (A/47/33, para. 132) as a worthwhile initiative, would none the less have preferred a set of model rules applicable to all types of disputes; it was to be hoped that a revised document, taking into account the observations made, would be submitted to the Special Committee at its next session.

23. Lastly, her delegation supported the Secretary-General's proposal that he should be authorized to request advisory opinions from the International Court of Justice when exercising his good offices and with the consent of the parties to the dispute.

24. Mrs. FLORES (Uruguay) said that according to paragraphs 2 and 8 of the Special Committee's report (A/47/33), the number of requests from Member States for observer status received during the forty-seventh session considerably exceeded the number of members of the Committee; her delegation therefore supported the view that the composition of the Special Committee needed to be reviewed.

(Mrs. Flores, Uruguay)

25. In connection with working paper A/AC.182/L.72, on the improvement of cooperation between the United Nations and regional organizations (A/47/33, para. 39) she noted that the Secretary-General, in paragraph 24 of "An agenda for peace", called on regional organizations to consider what further confidence-building measures might be applied in their areas and indicated that he would undertake periodic consultations with parties to potential disputes. As noted by the "Rio Group" in paragraph 18 of document A/47/232, in the context of the current increase in preventive diplomacy and in peacemaking and peace-keeping activities, there was no question as to the role that regional organizations could play. It was often easier to achieve a complete understanding of the causes of regional conflicts, and to develop diplomatic activities to forestall such conflicts, at the regional level. Increased periodic coordination, cooperation and consultation between the United Nations and regional organizations were needed, bearing in mind the organizations' statutes and the legal framework of Chapter VIII of the United Nations Charter.

26. Working paper A/AC.182/L.73 (A/47/33, para. 109) reflected the widespread concern about finding an effective solution to the special economic problems that arose for third States in connection with Article 50 of the Charter. That initiative had been prompted by the adverse situation that had prevailed during the Gulf crisis; 21 States had submitted a memorandum (S/22382) to the President of the Security Council which had won broad support among delegations, particularly in respect of the idea of participating in the costs of a collective security system, the principle of mutual assistance and the need to study specific modalities of providing assistance to States affected by the application of sanctions. At the Summit Meeting of the Security Council on 31 January 1992, the representatives of India and Zimbabwe had referred to the need to provide assistance to third States in connection with the application of sanctions. Subsequently, the countries of the Rio Group had referred, in paragraph 15 of document A/47/232, to the need to set up machinery in order to compensate for secondary effects on third States of sanctions imposed under Chapter VII of the Charter. In paragraph 41 of "An agenda for peace", it was recommended that the Security Council should devise a set of measures to resolve the difficulties suffered by third States, as a matter of equity and a means of encouraging States to cooperate with decisions of the Council. The Security Council, in resolutions 748 (1992) and 757 (1992) referred to Article 50 of the Charter in connection with the imposition of sanctions. In that context, various Governments had sent notes about the measures they had adopted, invoking Article 50. The question had also been referred to at meetings of the Special Committee on Peace-keeping Operations, in August 1992, and at the current session of the General Assembly, particularly in connection with agenda item 10. Many delegations had referred to the matter in the Sixth Committee. Her delegation therefore hoped that the resolution on the mandate of the Special Committee would include a paragraph concerning continuation of the item on implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions.

(Mrs. Flores, Uruguay)

27. Her delegation supported the Secretary-General's proposal that he should be authorized to seek advisory opinions from the International Court of Justice.

28. Mr. TRINH XUAN LANG (Viet Nam) said that the recent fundamental changes in international relations necessitated a thorough review of the mechanisms and activities of the United Nations in order to enhance their effectiveness and thus ensure that the Organization could successfully meet the challenges of the new era. His delegation supported the idea of re-examining and enlarging the composition of the Security Council, with due attention to the developing countries and to the principle of equality between all Member States, so as to ensure that the voice of the majority was duly heard in the process of decision-making on the issues of critical importance to the international community. In that connection, working paper A/AC.182/1992/CRP.2 (A/47/33, para. 123) contained important proposals and merited continued consideration.

29. While the Charter was an extremely important international legal instrument which had made a valuable contribution to international relations and to the work of the Organization for nearly half a century, it should not be considered immune to revision or amendment. Indeed, it was only through such amendments that the Charter could maintain its vitality.

30. With regard to working paper A/AC.182/L.73 (A/47/33, para. 109), the implementation of economic sanctions by third States under Chapter VII had placed heavy burdens on the economies of the developing countries in view of the current international conditions of economic interdependence. As one of the 21 countries severely affected by the implementation of Security Council resolution 661 (1990), Viet Nam had brought the problem to the attention of the Council, within the framework of Article 50 of the Charter, thus far without results. It was incumbent on the world community to address such difficulties in their proper perspective. In that connection, his delegation welcomed the Secretary-General's proposal (A/47/277-S/24111, para. 41) that the Security Council should devise a set of measures involving the financial institutions and other components of the United Nations system which could insulate States from such difficulties.

31. Both the United Nations and regional organizations were currently playing greater roles in the maintenance of international peace and security and in promoting development. The value which his country placed on regional organizations was demonstrated by its recent accession to the Treaty of Amity and Cooperation in South-East Asia and its accession to observer status within ASEAN. The Treaty was an important instrument for promoting regional cooperation and provided a mechanism for the pacific settlement of disputes in the area.

32. His delegation supported the idea of continued cooperation between the United Nations and regional organizations as advocated in working paper A/AC.182/L.72 (A/47/33, para. 39) although many of the issues raised in the draft needed further study and discussion.

(Mr. Trinh Xuan Lang, Viet Nam)

33. His country advocated the settlement of all disputes through peaceful negotiations, without resort to the use or threat of force. Accordingly, it supported document A/45/742, containing the draft United Nations rules for conciliation of disputes between States (A/47/33, para. 132), which paved the way for the elaboration of a set of model rules designed to reduce tension by facilitating conciliation and the peaceful settlement of disputes through negotiations.

34. Mr. KOURULA (Finland), speaking on behalf of the Nordic countries, said that those countries were prepared to participate in a comprehensive consideration of the proposals contained in the report of the Secretary-General on the work of the Organization (A/47/1). The establishment of an open-ended working group could be a mechanism for reaching consensus on a number of the proposals. However, given the large number of proposals and the complexity of the issues they raised, such a procedure would certainly benefit from the active involvement of the relevant organs of the General Assembly, including the Special Committee. Such involvement was most appropriate in respect of working paper A/AC.182/L.72, entitled "Draft declaration on the improvement of cooperation between the United Nations and regional organizations" (A/47/33, para. 39). The draft declaration called for new functions to be allocated to regional arrangements in order to guarantee broad international cooperation. International and regional security could no longer be viewed only from a military perspective. Other sources of instability in the economic, social, humanitarian and ecological fields were increasingly considered threats to international peace and security. The Nordic countries supported the views on regional arrangements expressed by the Secretary-General in his report "An agenda for peace". Such arrangements in the current new era could render assistance to the Organization, provided that their activities were consistent with the provisions of the Charter and that the Security Council retained the primary responsiblity for the maintenance of international peace and security.

35. The issue of the division of labour between the United Nations and regional arrangements was most pertinent in the current international situation. What was needed was not a formal pattern for cooperation but rather a flexible approach and the application of the two available mechanisms, depending on the needs of each situation. Regional arrangements had the potential to be utilized in preventive diplomacy (confidence-building, fact-finding, early warning), peacemaking and peace-keeping as well as in the monitoring of elections and respect for human rights.

36. The Nordic countries wished to draw attention to the decisions of the Summit Meeting of the Conference on Security and Cooperation in Europe (CSCE) held at Helsinki in July 1992, at which CSCE had explicitly pronounced itself to be a regional arrangement under Chapter VIII of the Charter. CSCE had also decided that peace-keeping constituted an important element of the capability of the arrangement for conflict prevention and crisis management. CSCE peace-keeping would not entail enforcement action and would require the consent of the parties directly concerned. The Conference had decided further

(Mr. Kourula, Finland)

to appoint a High Commissioner on National Minorities who would provide early warning of tensions involving national minority issues that had the potential to develop into conflicts within the CSCE area. In accordance with the Charter, the peaceful settlement of local disputes was one of the main functions of regional arrangements. In that connection, new developments within the area covered by CSCE could serve as an inspiration beyond the region. In the view of the Nordic countries, regional arrangements should concentrate on developing methods in that field which would ensure the mandatory involvement of a third party.

37. In view of the new political climate and the dynamic developments within some regional arrangements, his delegation supported the proposal to solicit the views of representatives of regional arrangements on various aspects of cooperation between their organizations and the United Nations.

38. The question raised in working paper A/AC.182/L.73, on assistance to third States affected by the application of sanctions under Chapter VII (A/47/33, para. 109) was part of the broader issue of "sanctions management". In order to improve the readiness of the Organization to take action in that area, the Security Council or the Special Committee might initiate a study of the effectiveness and management of different types of sanctions. Special consideration should be given to the question of how to alleviate the burden of third countries that were confronted with special economic problems as a result of such sanctions.

39. The United Nations rules for the conciliation of disputes between States (A/45/742) (A/47/33, para. 132) whose implications went far beyond the Charter, merited a careful second reading on the basis of a revised draft, taking into consideration the comments made on the various articles.

40. It would also be useful to give further consideration to the proposal that the Secretary-General should be authorized to request advisory opinions from the International Court of Justice. In general, increased use should be made of the possibility to request such opinions on legal issues where such action could help to prevent or defuse conflicts. Further consultations would also be useful in respect of the suggestions that the Special Committee should examine the question of collective security in its entirety and that a preparatory committee on revisions of the Charter should be established, prusuant to Article 109 thereof. For several years the Special Committee had made valuable contributions within the mandates adopted for its deliberations. Its future mandate could well include those suggestions to which the Committee had drawn attention, provided that general agreement was reached on the feasibility of their implementation.

41. Mr. ARIF (Singapore) said there was no doubt that the world had changed dramatically in the past 47 years. The time had therefore come to review the provisions of the Charter so that the United Nations could ready itself to meet the challenges of the twenty-first century. Nevertheless, amending the Charter called for a prudent approach: before such a step was taken, it might

(Mr. Arif, Singapore)

be advisable to see whether the necessary reforms could be achieved by rationalizing the Organization's structure, agenda and bodies and by more effective implementation of the Charter's provisions.

42. The issue of expanding the membership of the Security Council had generated considerable interest. The Council, as the organ responsible for maintaining international peace and security, reflected the effectiveness of the United Nations as a whole. Since the last increase in the Security Council's membership, in 1966, the membership of the United Nations had grown, accompanied by a shift in the balance of financial contributions and it was perhaps time to consider expanding the Security Council to reflect those realities. His delegation therefore endorsed proposals to review the size and composition of the Security Council, with a single caveat: the increase must not impair the Security Council's ability to respond rapidly and effectively in cases where international peace and security were at stake.

43. A second issue which required careful consideration was the veto power enjoyed by the permanent members of the Security Council. The cold war and super-Power rivalry following the Second World War had dashed earlier hopes that the Allied Powers would be able, acting in concert, to maintain peace. The many threats to use and frequent use of the veto had significantly hampered the Security Council's ability to fulfil the aspirations of the Charter. While the veto had not been invoked since 1988, any proposal to abolish it entirely was not likely to meet with success. Nevertheless, to reduce the risk of renewed rivalry between the super-Powers, his delegation proposed that decisions of the Security Council relating to non-procedural matters should be made by an affirmative vote of the Council, including the votes of three of the five permanent members.

44. Turning to the Secretary-General's proposal that he should be authorized to request advisory opinions from the International Court of Justice, he noted that the arguments set forth in the Special Committee's report by the Legal Counsel (A/47/33, para. 183) in support of that proposal were clear and cogent. Seeking the advisory opinion of the Court could only increase the effectiveness of the Secretary-General, particularly in the area of preventive diplomacy, which was clearly in the interest of the United Nations. Requiring the prior consent of the parties involved would ensure that requests for advisory opinions did not infringe on the sovereignty of States.

45. Working paper A/AC.182/L.72, entitled "Draft declaration on the improvement of cooperation between the United Nations and regional organizations" (A/47/33, para. 39) was particularly appropriate in the light of the Secretary-General's proposals in his report entitled "An agenda for peace" (A/47/277-S/24111). None the less, his delegation shared many of the concerns raised by others regarding the implications of the working paper. First, certain paragraphs in that document seemed to impose additional obligations on States beyond the provisions of Chapter VIII of the Charter. For example, paragraphs 7 and 8 requested States to consider the possibility

(Mr. Arif, Singapore)

of establishing regional peacemaking forces. Secondly, the paper appeared to encourage the establishment of regional security arrangements world wide, which might have the unintended effect of increasing interregional tensions and engendering interregional arms races. Thirdly, regional organizations of the type envisaged in the paper were possible only in the very few regions of the world which had common interests and shared cultural and political traditions. Political, social and economic inequalities between States, mutual distrust and lack of regional confidence-building measures in many regions were not conducive to establishing that type of regional organization. Furthermore, setting up such systems might impair the Security Council's effectiveness in maintaining international peace and security.

46. At the same time, his delegation endorsed the call for greater cooperation between the United Nations and regional organizations in the maintenance of regional peace and security. As a member of the Association of South-East Asian Nations (ASEAN) and as the current Chairman of the ASEAN Standing Committee, his country was proud of the Association's role in promoting regional peace and economic prosperity, including its part in resolving the Cambodian conflict. At their summit meeting in January 1992, ASEAN leaders had pledged to participate actively in efforts to ensure that the United Nations remained a key instrument for maintaining international peace and security. The Association and a group of co-sponsors were currently seeking recognition by the United Nations of the Treaty of Amity and Cooperation in South-East Asia, which provided for the pacific settlement of disputes in the region.

47. The Special Committee should be cautious about introducing any instrument to strengthen cooperation between regional organizations and the United Nations which would unduly restrict the flexibility of Chapter VIII of the Charter. In that connection, the Secretary-General had pointed out in paragraph 61 of his report "An agenda for peace" that the Charter deliberately provided no precise definition of regional arrangements and agencies.

48. Working paper A/AC.182/L.65 and Corr.1, entitled "New issues for consideration in the Special Committee" was most timely in view of the proposals by the Secretary-General in his report "An agenda for peace". The paper reflected the fundamental difficulty faced by the Special Committee in discharging its mandate. While many aspects of the United Nations system were in need of review, the Special Committee could not possibly study all of them; it needed, therefore, to assign priorities to some issues and adopt a systematic approach. The working paper would help to identify areas which were in urgent need of review and improvement and which merited the particular attention of the Special Committee.

49. His delegation commended the sponsors of working paper A/AC.182/L.73 (A/47/73, para. 109), which dealt with an issue that urgently needed

(Mr. Arif, Singapore)

consideration. Article 50 of the Charter clearly gave Member States the right to consult the Security Council regarding special economic problems arising from the implementation of the Council's preventive and enforcement measures; however, the procedure under Article 50 had never been clarified. His delegation agreed that there was a need to establish a mechanism to examine and respond to requests from Member States for assistance under Article 50, since the actions of third States had a direct bearing on the ability of the Security Council to enforce its decisions and, ultimately, on the effectiveness of the United Nations as a whole.

50. The rules of conciliation of disputes between States submitted by Guatemala (A/45/742) (A/47/33, para. 132) contained many imaginative ideas. While not certain of the need for draft rules, in view of the many existing instruments on the pacific settlement of disputes, his delegation would welcome further consideration of the document by the Special Committee at its next session.

51. Mr. GAUTAM (Nepal) said that the task before the United Nations was to harness the new dynamism in international life in order to meet the challenges currently facing mankind. Increasing demands in the areas of peacemaking and peace-keeping had already stretched the capacity of the Organization to its limits. The time had therefore come to take a closer look at the provisions relating to regional arrangements under Chapter VIII of the Charter. In that connection, his delegation welcomed working paper A/AC.182/L.72 (A/47/33, para. 39) and had an open mind with regard to the final form of the document. Discussion of the implementation of the provisions of Chapter VIII should not, however, distract attention from the primary responsibility of the Security Council for the maintenance of international peace and security. He supported the view expressed by the Secretary-General in his report "An agenda for peace" that the lack of a precise definition of regional arrangements in the Charter allowed for flexibility in the undertakings of groups of States. Complementarity should be the basis for cooperation between the Organization and regional arrangements and his delegation accordingly supported the proposal for promotion of such cooperation.

52. The focus on enforcement measures under the Charter should not distract attention from the peaceful settlement of international disputes and his delegation viewed positively the draft rules for the conciliation of disputes between States (A/45/742) (A/47/33, para. 132). The aim of the exercise should be to produce a set of flexible models from which States could choose as they deemed appropriate.

53. With regard to working paper A/AC.182/L.73 (A/47/33, para. 109), his delegation took the view that the measures under Chapter VII of the Charter were binding on all Member States. The implementation of Article 50 of the Charter could not, however, be taken as a precondition for acceptance of the obligation arising from measures under Chapter VII. Finally, while it was also difficult to draw up a universally applicable arrangement for the

(Mr. Gautam, Nepal)

implementation of Article 50, those arguments should not distract the Special Committee from examining concrete proposals such as the proposal to establish a compensatory fund administered by the Security Council and the recommendation of the Secretary-General that the Security Council should devise financial measures to attenuate the impact of sanctions on third States.

54. His delegation supported the proposal that the Secretary-General should be authorized to seek advisory opinions from the International Court of Justice. The Secretary-General himself had made it clear that he intended to use that authorization only with the consent of the parties concerned. Since most international disputes were legal in character, such authorization would enhance the capacity of the Secretary-General for quiet preventive diplomacy.

55. The maintenance of balance and harmony among the principal organs of the Organization and especially between the General Assembly and the Security Council was crucial to efforts to strengthen the role of the United Nations. That requirement should be the focus of the work of the Special Committee. In that connection, the report of the Secretary-General on the work of the Organization represented a valuable contribution.

56. Mr. MADEJ (Poland) said that the recent political and legal changes in the world supported the view that the global confrontation between States was giving way to a new atmosphere of cooperation based on the peaceful settlement of disputes. His delegation noted with satisfaction that the jurisdiction of the International Court of Justice had been one of the issues considered by the Special Committee; in Poland's view, universal recognition of the compulsory jurisdiction of the Court was essential to strengthening the rule of law in conflict situations.

57. The draft rules for the conciliation of disputes between States (A/45/742) (A/47/33, para. 132) were useful and should receive further consideration; at the Special Committee's next session it should be borne in mind that flexibility was an essential element of conciliation.

58. His delegation supported the proposal for a universal document on the peaceful settlement of disputes. Until such a document could be elaborated, a declaration containing generally accepted rules should be adopted, based on earlier efforts in that area, such as the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security and the Handbook on the Peaceful Settlement of Disputes prepared by the Secretary-General.

59. His country welcomed document A/AC.182/L.72 (A/47/33, para. 39), in view of the increasing role of regional organizations in the maintenance of international peace and security. Closer cooperation between the United Nations and regional organizations in accordance with the provisions of Chapter VIII of the Charter would enhance the Organization's effectiveness in the prevention and settlement of regional conflicts. Furthermore, States should also have recourse to existing regional mechanisms.

(Mr. Madej, Poland)

60. With regard to the question of revision of the Charter, his Government believed that the first priority should be the full implementation of the provisions of the Charter and their adaptation to new political realities. At the same time, clauses such as those referring to "enemy States" were clearly obsolete and his Government would be willing to consider proposals to amend them.

61. Mr. YOUSIF (Sudan) said the pronouncements made on the new international order still required a consensus on the part of the peoples of the world, which were troubled by many questions and doubts. The United Nations and its principal organs had failed to keep pace with recent changes and remained in the grip of the international forces that had prevailed during the cold war. It could legitimately be asked whether there was any correspondence between the slogans of the new international order and the fluid international situation, whether the required changes at the United Nations were taking their proper course and whether the work programme of the Special Committee conformed to current requirements. It was essential to enhance the effectiveness of the Organization in order to enable it to confront the new challenges successfully. In order to bring about a positive change that met the aspirations of all the peoples of the world on an equal footing, concerted efforts must be made to build confidence between States and to restrain the ambitions of the colonialist Powers.

62. Some of the topics examined by the Special Committee were political rather then legal in character, and might therefore more appropriately be considered by the plenary Assembly. Urgent consideration should accordingly be given to the Special Committee's work programme in order to bring it into line with the proper mandate of the Sixth Committee and the desires expressed by most Member States. The Special Committee should consider topics relating directly to the Charter and the strengthening of the role of the Organization, such as Charter reform, the concepts of sovereignty and equality between States, the composition and procedures of the Security Council and the role of the General Assembly, particularly in the maintenance of peace and security. However, it was inadvisable to adopt declarations and resolutions embodying reinterpretations of the provisions of the Charter and modifications of concepts that had become established over the 47 years of the Organization's existence unless such texts were based on a consensus among Member States.

63. Working paper A/AC.187/L.72 on the improvement of cooperation between the United Nations and regional organizations (A/47/33, para. 39), actually addressed only questions of peace and security and inter-ethnic conflicts and tensions. The paper referred to "local conflicts", the prevention of disputes and conflicts "within States" and the setting up of military units to maintain order "within countries", and it repeatedly mentioned disputes without qualifying them as disputes between States. In the view of his delegation, such language constituted blatant interference in the internal affairs of States and an encroachment on their national sovereignty. In order to end internal and regional conflicts, their underlying causes must be addressed,

(Mr. Yousif, Sudan)

and perhaps the most important of those causes were the economic, cultural and social differences that must be addressed within the context of the desired new international order.

64. In paragraphs 12 to 15 of the working paper , a close link was established between regional organizations and the Security Council in the conduct by the former of their role in the settlement of disputes or the maintenance of security. Such a linkage involved many caveats, and it was the view of his delegation that it should not be established before the composition of the Security Council was reformed. States should first endeavour to resolve their disputes themselves. In the event of failure, they should then turn of their own free will to the regional organizations to which they belonged; the United Nations should play a role only when a resolution at the regional level proved impossible, when the case in question posed an indubitable threat to international peace and security and when the efforts at each stage had been exhausted before the subsequent stage was embarked upon.

65. Paragraph 7 of the working paper must be brought into harmony with the sovereign rights of States and non-intervention in their internal affairs, and the preventive measures in question must be accepted by all Member States. There was no justification for paragraph 14 of the working paper because it limited the freedom of regional organizations, which for the most part had their own particular arrangements under the terms of the statutes signed by their members, and it was in any case rendered unnecessary by paragraph 15. Paragraph 17 was still being studied by the regional and political organizations of the Movement of Non-Aligned Countries, and it was still too early to include such a provision in the draft.

66. With regard to the statement made by the Legal Counsel to the Special Committee at its 164th meeting, his country had reservations concerning the proposal to authorize the Secretary-General to request advisory opinions from the International Court of Justice. Such authorization would grant the Secretary-General wide discretionary powers which might be used in a selective manner in accordance with his own purely personal assessment. His delegation would prefer such authority to remain with the organs of the United Nations, as stipulated in Article 96 of the Charter, since such organs could ensure its use as required by the situation and with the support of a consensus. Under Article 96, it was always possible for the Secretary-General to be authorized to request an opinion from the International Court of Justice in particular cases and for specified purposes.

67. The Sudan was one of the sponsors of working paper A/AC.182/L.73 on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII (A/47/33, para. 109). Consideration of the item should be continued in order to reach precise conclusions that would ultimately be conducive to the alleviation of the economic damage caused to the countries concerned. His delegation regretted that the appeals of the Security Council Committee established by

(Mr. Yousif, Sudan)

resolution 661 (1990) and of the Secretary-General had not met with a response appropriate to the urgent needs of the countries affected. The burden of assisting third countries was a common obligation of all Member States under Article 49 of the Charter and by no means that of the aggressor State alone. The legal aspect that concerned the Special Committee was that of giving an appropriate interpretation of the relevant provisions of the Charter, particularly with regard to the party incurring the obligation. His delegation hoped that the desiderata contained in the working paper would be embodied in a well-defined General Assembly resolution calling on the international community and on the United Nations and its organs to provide assistance to the countries affected in an appropriate way to be agreed upon.

68. The draft rules for the conciliation of disputes between States (A/45/142, A/47/33, para. 132) were a valuable initiative that would promote the development of mechanisms for preventive diplomacy and the peaceful settlement of disputes between States. However, the draft rules required more discussion and further elaboration, and his delegation hoped that it would be able to express a definitive view on them when they came before the Special Committee at its next session.

69. Mr. MARTENS (Germany) said that at its previous session, the Special Committee had demonstrated clearly that its work was essential for the continuing development of the United Nations. It had produced a number of pioneering legal documents which were not only important in themselves but had also profoundly influenced international law. During the recent discussions in the Special Committee, more members than ever before had supported the proposal for a revision of the Charter so that it would better reflect new political realities. Similarly, during the general debate at the current session of the General Assembly, nearly one third of all Member States had called for Charter reform. In the Secretariat, the Secretary-General had already implemented a number of changes which his Government fully supported; it was likewise in favour of further enhancement of the Secretary-General's role vis-à-vis the subsidiary organs and specialized agencies of the United Nations, and believed that Article 99 of the Charter provided a basis for that.

70. In his report "An agenda for peace", the Secretary-General had proposed that he should be authorized to request advisory opinions from the International Court of Justice. That suggestion merited further discussion in the Special Committee; it was to be hoped that a compromise could be found which would be acceptable to all States.

71. With regard to the proposal concerning the broadening of the peacemaking efforts of the Secretary-General (A/AC.182/L.65 and Corr.1) (A/47/33, paras. 95 to 108), a number of documents already existed in the field, including the Handbook on the Peaceful Settlement of Disputes prepared by the Secretary-General with the assistance of the Special Committee. Care should be taken to avoid duplication of work, vague proposals for a new role for the Secretary-General in that area and the establishment of new mechanisms when existing ones would suffice.

(Mr. Martens, Germany)

72. The role of regional organizations in the peaceful settlement of disputes was of immediate and growing relevance for the work of the Special Committee. Regional organizations must assume greater responsibility, as the United Nations could not protect all people affected by external and internal war. The Conference on Security and Cooperation in Europe (CSCE) had met that challenge by declaring itself to be a regional arrangement within the meaning of Chapter VIII of the Charter. In that context, document A/AC.182/L.72 (A/47/33, para. 39) was both useful and timely. At the same time, it should be understood that the Security Council must retain primary responsibility for the maintenance of international peace and security.

73. As his Government had recently stated in the General Assembly, it would not take the initiative on the question of the composition of the Security Council; however, if a change was to be considered, Germany too would seek a permanent seat.

74. With regard to document A/45/742 (A/47/33, para. 132), his delegation welcomed all measures to strengthen the principle of the peaceful settlement of disputes. The preparation of a streamlined version of the draft, concentrating on the essentials, would be the best approach.

75. Turning to document A/AC.182/L.73 (A/47/33, para. 109), he said that it was undoubtedly legitimate for States to invoke Article 50 of the Charter in their search for a solution to the economic difficulties resulting from the application of sanctions. However, as Article 50 entitled States to seek relief from the Council, solutions could only be found on a case-by-case basis. In 1991, the States members of the European Community had provided substantial assistance to countries economically affected by the sanctions imposed against Iraq.

76. While his country shared the view expressed by many members of the Special Committee that the "enemy States" provisions of Articles 53 and 107 of the Charter were no longer applicable, it would not initiate proposals to delete them.

77. Mr. HAMAI (Algeria) said his delegation was pleased that the Special Committee's most recent session had been marked by a clear renewal of interest in its work, as reflected both by the significant number of observer States participating in the session and by the relevance of the issues examined. The general debate had been very valuable, giving each delegation an opportunity to express its views on the significance of the recent dramatic changes in international relations. Those changes inevitably had an impact on the United Nations, which was currently engaged in considering their implications. The Special Committee was clearly one of the key forums in which such consideration would be carried out, with the ultimate objective of democratizing the Organization and strengthening its role, thus making it an effective collective instrument in the service of international peace and security.

(Mr. Hamai, Algeria)

78. In accordance with its mandate and because it had nearly exhausted the topics of the peaceful settlement of disputes and the rationalization of procedures, the Special Committee should henceforth focus exclusively on the maintenance of international peace and security. In that connection, there were a number of proposals which merited attention. Working paper A/AC.182/L.72, entitled "Draft declaration on the improvement of cooperation between the United Nations and regional organizations" (A/47/33, para. 39) was a timely submission as it emphasized an aspect of the Charter to which little attention had been paid thus far. The recent tragic events in Africa and Europe made the importance of that issue only too clear. In his report "An agenda for peace", the Secretary-General, too, had highlighted the role that regional organizations should play in the area of preventive diplomacy and the maintenance and re-establishment of peace.

79. While the working paper provided a good starting-point, a number of objections could be made to its contents, among them the discrepancy between the objective sought and the measures proposed, and the lack of reference to the General Assembly's role, the absence of practical measures, the imperative and interventionist nature of certain provisions which might call in question the autonomy of regional organizations, and the inclusion of subjects outside the scope of the maintenance of international peace and security.

80. The revised version of the working paper should be made available before the Special Committee's next session, so that delegations would have ample opportunity to review it.

81. Equally noteworthy was working paper A/AC.182/1992/CRP.2, entitled "Strengthening of the role of the United Nations in the maintenance of international peace and security" (A/47/33, para. 123). The document's historical perspective corresponded perfectly to the current post-cold war transition phase, which required courageous adaptation in order to bring about the institutional changes made inevitable by the course of history. It had to be universally recognized that what had been valid when the Organization was founded was not necessarily still valid decades later, in the framework of a new international political order and a significantly expanded United Nations membership.

82. The working paper presented constructive proposals, which were in accordance with the principles, purposes and objectives set forth in the Charter and were designed to improve the application of its provisions, with a particular view to democratizing the Organization and strengthening its role. In addition, the paper raised issues which reflected positions long endorsed by his country and the groups to which it belonged, including improving the role of the General Assembly in the maintenance of international peace and security; improving coordination between the General Assembly and the Security Council; enhancing the transparency of the Security Council's activities so that it would be acting on behalf of all Member States; and expanding Security Council membership in the light of the principle of equitable geographical distribution, an item which merited immediate action.

(Mr. Hamai, Algeria)

83. Improving the effectiveness of the Organization and strengthening its role were objectives shared by all Member States and should be realized in the most constructive and realistic manner possible, on the basis of solutions acceptable to all.

The meeting rose at 5.30 p.m.